

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, APRIL 22, 2009
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

**Yvette V. Gruel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
1	C 090313 ZMK	18	CANARSIE REZONING	Scheduled to be Heard 5/6/09
2	C 090284 ZMK	13	BRIGHTON BEACH REZONING	" "
3	N 090285 ZRK	13	" "	" "
4	C 090272 ZMK	13	CONEY ISLAND PLAN	" "
5	N 090273 ZRK	13	" "	" "
6	N 090273(A)ZRK	13	" "	" "
7	C 090274 PPK	13	" "	" "
8	C 090275 PPK	13	" "	" "
9	C 090107 MMK	13	" "	" "
10	C 090276 HAK	13	" "	" "
11	C 090277 PPK	13	" "	" "
12	C 090228 HAX	3	CARL C. ICHAN CHARTER SCHOOL PLAYGROUND	Favorable Report Adopted
13	C 090181 ZMK	2	DOCK STREET-DUMBO DEVELOPMENT	" "
14	C 090183 ZSK	2	" "	" "
15	C 090184 ZSK	2	" "	Fav. Report Adopted as Modified
16	C 090125 ZMM	11	HOBBS COURT	Favorable Report Adopted
17	N 090165 ZRM	8	86 TH STREET SIDEWALK CAFES TEXT AMENDMENT	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		12	13	14	15	16	17	18	19	20	21	22	23	24	25
Amanda M. Burden, FAICP, Chair	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Angela M. Battaglia	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Angela R. Cavaluzzi, AIA	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Alfred C. Cerullo, III	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Betty Chen	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Maria M. Del Toro	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Richard W. Eaddy	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nathan Leventhal	P	Y	Y	Y	Y	Y	Y	R	R	R	R	R	R	R	Y
Shirley A. McRae	P	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
John Merolo	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Karen A. Phillips, Commissioners	P	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

MEETING ADJOURNED AT: 11:55 A.M.

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, APRIL 22, 2009
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

**Yvette V. Gruel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
18	C 050260 ZSM	7	FORDHAM UNIVERSITY LINCOLN CENTER CAMPUS	Fav Report Adopted as Modified
19	C 050269 ZSM	7	" "	" "
20	C 050271 ZSM	7	" "	" "
21	C 090173 ZSM	7	" "	Withdrawn
22	N 090170 ZRM	7	" "	Favorable Report Adopted
23	N 090171 ZAM	7	" "	Authorization Adopted as Modified
24	N 090172 ZAM	7	" "	" "
25	N 080253 ZRQ	2	SUNNYSIDE GARDENS SPECIAL PLANNED DISTRICT TEXT	Favorable Report Adopted
26	N 080182 ZAR	2	158 DOUGLAS AVENUE	Authorization Approved
27	N 090346 BDM	4, 5	TIMES SQUARE BID	Hearing Closed
28	N 090306 ZRM	1	BATTERY PARK CITY SITE 3	" "
29	C 090283 ZMQ	6	CORD MEYER-FOREST HILLS REZONING	" "
30	N 090304 ZRQ	2	SPECIAL LONG ISLAND CITY DISTRICT TEXT AMENDMENT	" "
31	C 090366 PCQ	7	GRACE ASPHALT PLANT	" "
32	N 090317 ZRY	CW	PRIVATELY OWNED PUBLIC PLAZAS FOLLOW-UP TEXT	" "
	Supplemental Cal.			
1	M 090312 ZMK	5	HUDSON ELDERT HOUSING	Favorable Report Adopted

COMMISSION ATTENDANCE:		Present (P)	COMMISSION VOTING RECORD:														
		Absent (A)	In Favor - Y	Oppose - N	Abstain - AB	Recuse - R											
Calendar Numbers:			26	S1													
Amanda M. Burden, FAICP, Chair	P		Y	Y													
Kenneth J. Knuckles, Esq., Vice Chairman	P		Y	Y													
Angela M. Battaglia	P		Y	Y													
Irwin Cantor, P.E.	P		Y	Y													
Angela R. Cavaluzzi, AIA	P		Y	Y													
Alfred C. Cerullo, III	P		Y	Y													
Betty Chen	P		Y	Y													
Maria M. Del Toro	P		Y	Y													
Richard W. Eaddy	P		Y	Y													
Nathan Leventhal	P		Y	Y													
Shirley A. McRae	P		Y	Y													
John Merolo	P		Y	Y													
Karen A. Phillips, Commissioners	P		Y	Y													

MEETING ADJOURNED AT:

**COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York**

CITY PLANNING COMMISSION

WEDNESDAY, APRIL 22, 2009

**MEETING AT 10:00 A.M. AT SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK**



**Michael R. Bloomberg, Mayor
City of New York**

[No. 8]

Prepared by Yvette V. Gruel, Calendar Officer

To view the Planning Commission Calendar and/or the Zoning Resolution on the Internet,
visit the Department of City Planning (DCP) home page at:
nyc.gov/planning

A

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

NOTE - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: in Section I, (Scheduling Dates for Future Public Hearings), in Section II, (Reports), and in Section III, (Public Hearings). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

NOTICE--CALENDARS: City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site (www.nyc.gov/planning). The availability of these documents on-line will occur earlier than the current printed documents.

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below. Any individual or organization that would like to receive paper copies of the aforementioned documents will be able to do so at a fee of \$120.00 annually. Please have the certified check made out to the **City of New York -- Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216.

For Calendar Information: call (212) 720-3368, 3369, 3370.

Note to Subscribers: Notify us of change of address including E-mail by writing to:

City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216

B
CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

- AMANDA M. BURDEN, FAICP, Chair**
- KENNETH J. KNUCKLES, Esq., Vice Chairman**
- ANGELA M. BATTAGLIA**
- IRWIN G. CANTOR, P.E.**
- ANGELA R. CAVALUZZI, AIA**
- ALFRED C. CERULLO, III**
- BETTY Y. CHEN**
- MARIA M. DEL TORO**
- RICHARD W. EADDY**
- NATHAN LEVENTHAL**
- SHIRLEY A. MCRAE**
- JOHN MEROLO**
- KAREN A. PHILLIPS, Commissioners**
- YVETTE V. GRUEL, Calendar Officer**

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

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**Community Board Public Hearing Notices are available in the
Calendar Information Office, Room 2E, 22 Reade Street,
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for May 6, 2009 at the New York City College of Technology, Klitgord Auditorium, 285 Jay Street, Brooklyn, New York at 9:30 a.m.

C

GENERAL INFORMATION

HOW TO PARTICIPATE:

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in support of the proposal and those speaking in opposition.

Length of Testimony: In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Written Comments: If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

**CITY PLANNING COMMISSION
Calendar Information Office - Room 2E
22 Reade Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ Identification No.: _____ CB No.: _____

Position: Opposed _____
 In Favor _____

Comments:

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

APRIL 22, 2009

APPROVAL OF MINUTES OF the Regular Meeting of April 1, 2009

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, MAY 6, 2009**

**STARTING AT 9:30 A.M. AT THE NEW YORK CITY
COLLEGE OF TECHNOLOGY, KLITGORD AUDITORIUM
285 JAY STREET, BROOKLYN, NEW YORK
(BETWEEN TILLARY AND JOHNSON STREETS)**

BOROUGH OF BROOKLYN

No. 1

CANARSIE REZONING

CD 18

C 090313 ZMK

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17d, 23a, 23c and 23d:

1. eliminating from an existing R4 District a C1-1 District bounded by Avenue L, East 95th Street, a line 200 feet southeasterly of Avenue L, and East 93rd Street;
2. eliminating from an existing R4 District a C1-2 District bounded by:
 - a. a line 200 feet southeasterly of Farragut Road, Rockaway Parkway, Glenwood Road, a line midway between Rockaway Parkway and East 98th Street, Conklin Avenue, Rockaway Parkway, a line 150 feet southeasterly of Flatlands Avenue, and East 96th Street,
 - b. a line 150 feet northwesterly of Flatlands Avenue, East 89th Street, Flatlands Avenue, and a line midway between East 88th Street and East 89th Street;
 - c. a line 150 feet northwesterly of Avenue L, East 95th Street, Avenue L, East 93rd Street, a line 150 feet southeasterly of Avenue L, and East 91st Street;
 - d. Avenue N, Rockaway Parkway, Seaview Avenue, and a line midway between East 96th Street and Rockaway Parkway;

3. eliminating from an existing R5 District a C1-2 District bounded by:
 - a. Ralph Avenue, East 79th Street, a line 100 feet easterly of Ralph Avenue, a line 100 feet northeasterly East 78th Street, a line perpendicular to the northeasterly street line of East 78th Street distant 80 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of East 78th Street and the easterly street line of Ralph Avenue, and East 78th Street;
 - b. Ralph Avenue, East 77th Street, a line 150 feet southeasterly of Ralph Avenue, East 76th Street, and Glenwood Road,
 - c. East 88th Street, a line 150 feet northwesterly of Flatlands Avenue, a line midway between East 88th Street and East 89th Street, and Flatlands Avenue;
 - d. a line 150 feet northwesterly of Glenwood Road, East 105th Street, Glenwood Road, and East 103rd Street;
 - e. a line 100 feet northwesterly of Seaview Avenue, East 98th Street, Seaview Avenue, a line 450 feet northeasterly of Rockaway Parkway, a line 200 feet southeasterly of Seaview Avenue, Rockaway Parkway, Skidmore Avenue, a line 350 feet southwesterly of Rockaway Parkway, St. Jude Place, Seaview Avenue, and Rockaway Parkway;
 - f. Schenck Street, Rockaway Parkway, a line 100 feet southeasterly of Schenck Street, and a line 215 feet southwesterly of Rockaway Parkway;
4. eliminating from an existing R4 District a C 2-1 District bounded by a line 150 feet northwesterly of Avenue L, Rockaway Parkway, a line 320 feet southeasterly of Avenue L, East 96th Street, a line 150 feet southeasterly of Avenue L, and East 95th Street;
5. eliminating from an existing R5 District a C2-1 District bounded by:
 - a. Avenue M, East 98th Street, a line 360 feet southeasterly of Avenue M, and Rockaway Parkway; and
 - b. Flatlands Avenue, a line 325 feet northeasterly of 108th Street, the northwesterly prolongation of a U.S. Pierhead and Bulkhead Line, the southwesterly prolongation of a U.S. Pierhead and Bulkhead Line, and East 108th Street;
6. eliminating from an existing R4 District a C2-2 District bounded by:

- a. Foster Avenue, East 98th Street, a line 150 feet southeasterly of Foster Avenue, and Rockaway Avenue;
 - b. a line 200 feet northwesterly of Farragut Road, a line midway between Rockaway Parkway and East 98th Street and its southeasterly prolongation, Glenwood Road, Rockaway Parkway, a line 200 feet southeasterly of Farragut Road, a line midway between East 96th Street and Rockaway Parkway, a line 150 feet northwesterly of Farragut Road, and Rockaway Parkway;
 - c. Conklin Avenue, a line midway between East 92nd Street and East 93rd Street, a line 150 feet southeasterly of Flatlands Avenue, East 91st Street, Flatlands Avenue, and a line 150 feet southwesterly of East 92nd Street;
7. eliminating from an existing R5 District a C2-2 District bounded by:
- a. a line 100 feet northwesterly of Flatlands Avenue, East 83rd Street, Flatlands Avenue, East 81st Street, a line 100 feet southeasterly of Flatlands Avenue, East 76th Street, Flatlands Avenue, and the northwesterly centerline prolongation of East 77th Street; and
 - b. Skidmore Avenue, Rockaway Parkway, Schenck Street, and East 96th Street;
8. changing from an R5 District to an R3-1 District property bounded by a line 100 feet southeasterly of Avenue L, East 105th Street, a line 100 feet northwesterly of Avenue M, and a line midway between East 100th Street and East 101st Street;
9. changing from an R5 District to an R3X District property bounded by a line 100 feet southeasterly of Avenue L, a line midway between East 100th Street and East 101st Street, a line 100 feet northwesterly of Avenue M, East 105th Street, Avenue L, a line 100 feet northeasterly of East 105th Street, a line midway between Avenue L and Flatlands 5th Street, East 108th Street, the northeasterly centerline prolongation of Flatlands 6th Street, a line 150 feet northeasterly of East 108th Street, the northeasterly centerline prolongation of Avenue M, East 108th Street, Seaview Avenue, a line midway between East 104th Street and East 105th Street, Avenue N, East 105th Street, a line 175 feet southeasterly of Avenue M, a line midway between East 102nd Street and East 103rd Street, a line 100 feet northwesterly of Avenue N, East 102nd Street, Avenue N, a line midway between East 101st Street and East 102nd Street, a line 175 feet northwesterly of Avenue N, a line midway between East 100th Street and East 101st Street, a line 100 feet southeasterly of Avenue M, and East 99th Street;
10. changing from an R5 District to an R4 District property bounded by:

- a. Glenwood Road, East 103rd Street, Flatlands Avenue, East 102nd Street, a line 100 feet southeasterly of Flatlands Avenue, East 101st Street, Avenue K, East 102nd Street, Avenue L, East 104th Street, Avenue K, East 103rd Street, Avenue J, East 104th Street, Flatlands 1st Street and its southwesterly centerline prolongation, a line 100 feet northeasterly of East 105th Street, Flatlands 3rd Street, East 105th Street, a line 100 feet southeasterly of Avenue L, East 99th Street, a line 100 feet northwesterly of Avenue L, a line midway between East 98th Street and East 99th Street, a line 225 feet southeasterly of Avenue K, Rockaway Parkway, a line 400 feet southeasterly of Avenue J, a line 100 feet southwesterly of East 98th Street, a line 200 feet northwesterly of Avenue J, East 98th Street, a line 375 feet southeasterly of Flatlands Avenue, East 99th Street, Flatlands Avenue, and a line midway between East 101st Street and East 102nd Street; and
- b. Avenue M, East 99th Street, a line 100 feet southeasterly of Avenue M, a line midway between East 100th Street and East 101st Street, a line 175 feet northwesterly of Avenue N, a line midway between East 101st Street and East 102nd Street, Avenue N, East 101st Street, Seaview Avenue, East 98th Street, a line 100 feet northwesterly of Seaview Avenue, and a line midway between East 98th Street and East 99th Street;

11. changing from an R4 District to an R4-1 District property bounded by:

- a. Krier Place, East 92nd Street, a line 100 feet southeasterly of Foster Avenue, a line midway between East 92nd Street and East 93rd Street, a line 100 feet northwesterly of Farragut Road, East 92nd Street, Farragut Road, East 93rd Street, a line 250 feet southeasterly of Farragut Road, a line midway between East 92nd Street and East 93rd Street, a line 100 feet northwesterly of Flatlands Avenue, a line midway between East 88th Street and East 89th Street, a line 175 feet southeasterly of Foster Avenue and its southwesterly prolongation, and a line 100 feet northeasterly of Remsen Avenue;
- b. Foster Avenue, a line midway between East 95th Street and East 96th Street, a line 275 feet southeasterly of Foster Avenue, East 96th Street, a line 175 feet southeasterly of Foster Avenue, a line midway between East 96th Street and Rockaway Parkway, a line 100 feet northwesterly of Flatlands Avenue, East 96th Street, a line 100 feet southeasterly of Flatlands Avenue, Rockaway Parkway, a line 225 feet southeasterly of Avenue K, East 95th Street, Avenue K, East 94th Street, a line 100 feet northwesterly of Avenue L, East 91st Street, a line perpendicular to the southwesterly street line of East 91st Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of East 91st Street and the southeasterly street line of Avenue K, Remsen Avenue, a line 100 feet

northwesterly of Avenue J, a line midway between East 88th Street and East 89th Street, Flatlands Avenue, East 91st Street, a line 100 feet southeasterly of Flatlands Avenue, East 93rd Street, a line 100 feet northwesterly of Flatlands Avenue, and a line midway between East 94th Street and East 95th Street;

- c. Foster Avenue, East 99th Street, a line 200 feet southeasterly of Farragut Road, a line midway between Rockaway Parkway and East 98th Street, a line 200 feet southeasterly of Foster Avenue, East 98th Street;
 - d. Glenwood Road, East 100th Street, a line 75 feet northwesterly of Flatlands Avenue, East 99th Street, Flatlands Avenue, Rockaway Parkway, Conklin Avenue, and a line midway between Rockaway Parkway and East 98th Street;
 - e. a line 100 feet southeasterly of Avenue L, Remsen Avenue, a line 100 feet southeasterly of Avenue M, a line midway between East 88th Street and East 89th Street, a line 100 feet northwesterly of Avenue M, and East 89th Street;
 - f. a line 100 feet southeasterly of Avenue L, Rockaway Parkway, Seaview Avenue, a line 100 feet northeasterly of East 95th Street, a line 250 feet northwesterly of Seaview Avenue, East 95th Street, Avenue N, a line midway between East 92nd Street and East 93rd Street and its northwesterly prolongation, a line 100 feet northwesterly of Seaview Avenue, East 92nd Street, Seaview Avenue, Remsen Avenue, a line 75 feet northwesterly of Seaview Avenue, a line midway between East 89th Street and Remsen Avenue, a line 150 feet southeasterly of Avenue N, Remsen Avenue, Avenue N, and East 91st Street;
12. changing from an R5 District to an R4-1 District property bounded by:
- a. a line 100 feet southeasterly of Foster Avenue, a line midway between East 88th Street and East 89th Street, a line 100 feet northwesterly of Flatlands Avenue, East 85th Street, a line 100 feet southeasterly of Glenwood Road, East 86th Street, a line 100 feet southeasterly of Farragut Road, and East 88th Street;
 - b. a line 100 feet southeasterly of Flatlands Avenue, East 88th Street, Flatlands Avenue, a line midway between East 88th Street and East 89th Street, a line 100 feet northwesterly of Avenue J, and East 86th Street;
 - c. a line 100 feet northwesterly of Avenue M, a line midway between East 88th Street and East 89th Street, a line 100 feet southeasterly of Avenue M, East 88th Street, Avenue N, and East 87th Street;

- d. Flatlands Avenue, East 99th Street, a line 375 feet southeasterly of Flatlands Avenue, and East 98th Street;
 - e. a line 100 feet southeasterly of Avenue L, East 99th Street, Avenue M, a line midway between East 98th Street and East 99th Street, a line 100 feet northwesterly of Seaview Avenue, East 98th Street, Seaview Avenue, Rockaway Parkway, Avenue M, and a line midway between Rockaway Parkway and East 98th Street;
 - f. a line 175 feet southeasterly of Avenue M, East 105th Street, Avenue N, a line midway between East 104th Street and East 105th Street, Seaview Avenue, East 103rd Street, a line 100 feet northwesterly of Avenue N, and a line midway between East 102nd Street and East 103rd Street;
 - g. Flatlands 4th Street, East 108th Street, a line midway between Avenue L and Flatlands 5th Street, a line 100 feet northeasterly of East 105th Street, a line midway between Flatlands 4th Street and Avenue L, and a line 250 feet northeasterly of East 105th Street;
 - h. East 108th Street, the northeasterly centerline prolongation of Avenue M, a line 100 feet northeasterly of East 108th Street, a line midway between the northeasterly centerline prolongation of Avenue M and Flatlands 7th Street and its northeasterly prolongation, a U.S. Pierhead and Bulkhead Line, and Flatlands 9th Street and its northeasterly centerline prolongation;
13. changing from a C8-1 District to an R4-1 District property bounded by:
- a. Farragut Road, a line midway between East 99th Street and East 100th Street, a line 200 feet southeasterly of Farragut Road, and East 99th Street;
 - b. a line 50 feet northwesterly of Glenwood Road, a line 80 feet northeasterly of East 99th Street, Glenwood Road, and a line midway between Rockaway Parkway and East 98th Street;
14. changing from an R4 District to an R4A District property bounded by:
- a. a line 330 feet northwesterly of Foster Avenue, East 94th Street, Foster Avenue, a line midway between East 94th Street and East 95th Street, a line 100 feet northwesterly of Flatlands Avenue, a line midway between East 92nd Street and East 93rd Street, a line 250 feet southeasterly of Farragut Road, East 93rd Street, Farragut Road, East 92nd Street, a line 100 feet northwesterly of Farragut Road, a line midway between East 92nd Street and East 93rd Street, a line 100 feet southeasterly of Foster Avenue, East 92nd Street, Foster Avenue, and East 93rd Street;

- b. a line perpendicular to the southwesterly street line of East 91st Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of East 91st Street and the southeasterly street line of Avenue K, East 91st Street, a line 100 feet southeasterly of Avenue L, East 89th Street, a line 100 feet northwesterly of Avenue M, a line midway between East 88th Street and East 89th Street, a line 100 feet southeasterly of Avenue K, and Remsen Avenue;
 - c. Avenue K, East 95th Street, a line 225 feet southeasterly of Avenue K, Rockaway Parkway, a line 100 feet northwesterly of Avenue L, and East 94th Street;
15. changing from an R5 District to an R4A District property bounded by:
- a. a line 100 feet southeasterly of Avenue K, a line midway between East 88th Street and East 89th Street, a line 100 feet northwesterly of Avenue M, East 87th Street, a line 175 feet northwesterly of Avenue M, a line midway between East 86th Street and East 87th Street, a line 100 feet southeasterly of Avenue L, East 87th Street, Avenue L, a line midway between East 86th Street and East 87th Street, a line 275 feet northwesterly of Avenue L, and East 87th Street;
 - b. a line 225 feet southeasterly of Avenue K, a line midway between East 98th Street and East 99th Street, a line 100 feet northwesterly of Avenue L, East 99th Street, a line 100 feet southeasterly of Avenue L, a line midway between Rockaway Parkway and East 98th Street, Avenue M, and Rockaway Parkway;
16. changing from an R4 District to an R5 District property bounded by:
- a. Avenue N, Remsen Avenue, a line 150 feet southeasterly of Avenue N, a line midway between East 89th Street and Remsen Avenue, a line 75 feet northwesterly of Seaview Avenue, Remsen Avenue, Seaview Avenue, and a line midway between East 88th Street and East 89th Street, and
 - b. Avenue N, East 95th Street, a line 250 feet northwesterly of Seaview Avenue, a line 100 feet northeasterly of East 95th Street, Seaview Avenue, East 92nd Street, a line 100 feet northwesterly of Seaview Avenue, and a line midway between East 92nd Street and East 93rd Street and its northwesterly prolongation;
17. changing from a C3 District to an R5 District property bounded by the southwesterly centerline prolongation of Paerdegat 12th Street, Paerdegat Avenue North, a northwesterly boundary line of Canarsie Beach Park, and a U.S. Pierhead and Bulkhead Line;

18. changing from an R4 District to an R5B District property bounded by :
- a. a line 100 feet northwesterly of Foster Avenue, East 93rd Street, Foster Avenue, and East 92nd Street;
 - b. a line 100 feet northwesterly of Foster Avenue, East 96th Street, Foster Avenue, a line midway between East 96th Street and Rockaway Parkway, a line 175 feet southeasterly of Foster Avenue, East 96th Street, a line 275 feet southeasterly of Foster Avenue, a line midway between East 95th Street and East 96th Street, Foster Avenue, and East 94th Street; and
 - c. a line 100 feet northwesterly of Avenue J, Remsen Avenue, a line 100 feet southeasterly of Avenue K, a line midway between East 88th Street and East 89th Street, Avenue K, a northeasterly boundary line of Canarsie Cemetery and its northwesterly and southeasterly prolongations, Church Lane and its southwesterly centerline prolongation, and a line midway between East 88th Street and East 89th Street;
19. changing from an R5 District to an R5B District property bounded by:
- a. a line 200 feet southeasterly of Foster Avenue, East 85th Street, a line 100 feet southeasterly of Foster Avenue, East 88th Street, a line 100 feet southeasterly of Farragut Road, East 86th Street, a line 100 feet southeasterly of Glenwood Road, East 85th Street, a line 100 feet northwesterly of Flatlands Avenue, a line 100 feet southwesterly of East 78th Street, Flatlands Avenue, the southeasterly centerline prolongation of East 77th Street, Glenwood Road, Ralph Avenue, East 79th Street, Glenwood Road, East 80th Street, Farragut Road, and East 81st Street;
 - b. a line 100 feet southeasterly of Flatlands Avenue, East 81st Street, Flatlands Avenue, East 84th Street, a line 100 feet southeasterly of Flatlands Avenue, East 85th Street, Flatlands Avenue, East 86th Street, a line 100 feet northwesterly of Avenue J, a line midway between East 88th Street and East 89th Street, Church Lane and its southwesterly centerline prolongation, a northeasterly boundary line of Canarsie Cemetery and its northwesterly and southeasterly prolongations, Avenue K, a line midway between East 88th Street and East 89th Street, a line 100 feet southeasterly of Avenue K, East 87th Street, a line 275 feet northwesterly of Avenue L, a line midway between East 86th Street and East 87th Street, Avenue L, East 85th Street, Avenue M, East 82nd Street, Avenue K, a line midway between East 81st Street and East 82nd Street, Avenue J, East 80th Street, a line midway between Paerdegat 2nd Street and Paerdegat 3rd Street, a line perpendicular to the northwesterly street line of Paerdegat 2nd Street distant 250 feet southwesterly (as measured along the street line) from the point of

intersection of the southwesterly street line of East 80th Street and the northwesterly street line of Paerdegat 2nd Street, a line midway between Paerdegat 1st Street and Paerdegat 2nd Street, Paerdegat Avenue, and East 76th Street;

- c. a line 100 feet southeasterly of Flatlands Avenue, East 103rd Street, Flatlands Avenue, East 104th Street, a line 100 feet southeasterly of Flatlands Avenue, East 106th Street, Flatlands Avenue, East 107th Street, Avenue J, East 108th Street, Flatlands 1st Street and its southwesterly centerline prolongation, East 104th Street, Avenue J, East 103rd Street, Avenue K, East 104th Street, Avenue L, East 102nd Street, Avenue K, and East 101st Street;
 - d. a line 100 feet northwesterly of Avenue N, East 103rd Street, Seaview Avenue, East 101st Street, Avenue N, and East 102nd Street;
20. changing from an R4 District to an R5D District property bounded by:
- a. Foster Avenue, East 98th Street, a line 200 feet southeasterly of Foster Avenue, a line midway between Rockaway Parkway and East 98th Street, Conklin Avenue, Rockaway Parkway, a line 100 feet southeasterly of Flatlands Avenue, East 96th Street, a line 100 feet northwesterly of Flatlands Avenue, and a line midway between East 96th Street and Rockaway Parkway;
 - b. a line 100 feet northwesterly of Flatlands Avenue, East 93rd Street, a line 100 feet southeasterly of Flatlands Avenue, East 91st Street, Flatlands Avenue, and a line midway between East 88th Street and East 89th Street; and
 - c. a line 100 feet northwesterly of Avenue L, Rockaway Parkway, a line 100 feet southeasterly of Avenue L, and East 91st Street;
21. changing from an R5 District to an R5D District property bounded by:
- a. a line 100 feet northwesterly of Flatlands Avenue, a line midway between East 88th Street and East 89th Street, Flatlands Avenue, East 88th Street, a line 100 feet southeasterly of Flatlands Avenue, East 86th Street, Flatlands Avenue, East 85th Street, a line 100 feet southeasterly of Flatlands Avenue, East 84th Street, Flatlands Avenue, East 81st Street, a line 100 feet southeasterly of Flatlands Avenue, East 76th Street, Flatlands Avenue, and a line 100 feet southwesterly of East 78th Street;
 - b. Flatlands Avenue, East 98th Street, a line 100 feet southeasterly of Flatlands Avenue, and Rockaway Parkway;

- c. Flatlands Avenue, East 103rd Street, a line 100 feet southeasterly of Flatlands Avenue, and East 102nd Street;
 - d. Flatlands Avenue, East 106th Street, a line 100 feet southeasterly of Flatlands Avenue, and East 104th Street;
 - e. Flatlands Avenue, a line 325 feet northeasterly of East 108th Street, a line 100 feet southeasterly of Flatlands Avenue, and East 108th Street;
22. establishing within a proposed R4-1 District a C1-3 District bounded by:
- a. Avenue N, Rockaway Parkway, a line 100 feet northwesterly of Seaview Avenue, East 98th Street, Seaview Avenue, and a line midway between East 96th Street and Rockaway Parkway;
 - b. Glenwood Road, a line midway between East 96th Street and Rockaway Parkway, a line 100 feet southeasterly of Glenwood Road, and East 96th Street; and
 - c. a line 100 feet southeasterly of Avenue L, a line midway between East 93rd Street and East 94th Street, a line 150 feet southeasterly of Avenue L, and East 93rd Street;
23. establishing within an existing R5 District a C1-3 District bounded by:
- a. Seaview Avenue, a line 450 feet northeasterly of Rockaway Parkway, a line 200 feet southeasterly of Seaview Avenue, Rockaway Parkway, Skidmore Avenue, a line 350 feet southwesterly of Rockaway Parkway, and St. Jude Place; and
 - b. a line 100 feet northwesterly of Glenwood Road, East 105th Street, Glenwood Road, and East 103rd Street;
24. establishing within a proposed R5D District a C1-3 District bounded by:
- a. a line 100 feet northwesterly of Flatlands Avenue, East 89th Street, Flatlands Avenue, and East 88th Street;
 - b. Glenwood Road, a line midway between Rockaway Parkway and East 98th Street, Conklin Avenue, Rockaway Parkway, a line 100 feet southeasterly of Flatlands Avenue, East 96th Street, a line 100 feet northwesterly of Flatlands Avenue, a line midway between East 96th Street and Rockaway Parkway, a line 200 feet southeasterly of Farragut Road, and Rockaway Parkway; and
 - c. a line 100 feet northwesterly of Avenue L, East 95th Street, a line 100 feet southeasterly of Avenue L, and East 91st Street;

25. establishing within a proposed R4-1 District a C2-3 District bounded by:
- a. Avenue M, East 98th Street, a line 360 feet southeasterly of Avenue M, and Rockaway Parkway;
 - b. a line 50 feet northwesterly of Glenwood Road, a line 200 feet northeasterly of Rockaway Parkway, Glenwood Road, and a line 100 feet northeasterly of Rockaway Parkway;
 - c. Conklin Avenue, a line midway between East 92nd Street and East 93rd Street, a line 100 feet northwesterly of Flatlands Avenue, and a line 150 feet southwesterly of East 92nd Street; and
 - d. a line 100 feet southeasterly of Avenue L, Rockaway Parkway, a line 220 feet southeasterly of Avenue L, and East 96th Street;
26. establishing within a proposed R4A District a C2-3 District bounded by a line 150 feet northwesterly of Avenue L, East 96th Street, a line 100 feet northwesterly of Avenue L, and East 95th Street;
27. establishing within an existing R5 District a C2-3 District bounded by:
- a. Flatlands Avenue, East 108th Street, a line 100 feet southeasterly of Flatlands Avenue, the northwesterly prolongation of a U.S. Pierhead and Bulkhead Line, the Southwesterly prolongation of a U.S. Pierhead and Bulkhead Line, East 108th Street, a line 400 feet southeasterly of Flatlands Avenue, and East 107th Street; and
 - b. Skidmore Avenue, Rockaway Parkway, Schenck Street, and East 96th Street;
28. establishing within a proposed R5B District a C2-3 District bounded by:
- a. Ralph Avenue, East 79th Street, a line 100 feet easterly of Ralph Avenue, a line 100 feet northeasterly of East 78th Street, a line perpendicular to the northeasterly street line of East 78th Street distant 80 feet southeasterly (as measured along the street line) from the point of intersection of the easterly street line of Ralph Avenue and the northeasterly street line of East 78th Street, and East 78th Street; and
 - b. Ralph Avenue, East 77th Street, a line 150 feet easterly of Ralph Avenue, East 76th Street, and Glenwood Road; and
29. establishing within a proposed R5D District a C2-3 District bounded by:
- a. a line 100 feet northwesterly of Flatlands Avenue, East 88th Street, a line 100 feet southeasterly of Flatlands Avenue, East 86th Street,

Flatlands Avenue, East 85th Street, a line 100 feet southeasterly of Flatlands Avenue, East 84th Street, Flatlands Avenue, East 81st Street, a line 100 feet southeasterly of Flatlands Avenue, East 76th Street, Flatlands Avenue, and a line 100 feet southwesterly of East 78th Street;

- b. a line 100 feet northwesterly of Flatlands Avenue, a line 125 feet northeasterly of Remsen Avenue, Flatlands Avenue, and East 89th Street,
- c. a line 100 feet northwesterly of Flatlands Avenue, East 93rd Street, a line 100 feet southeasterly of Flatlands Avenue, East 91st Street, Flatlands Avenue, and a line 150 feet southwesterly of East 92nd Street;
- d. Foster Avenue, East 98th Street, a line 200 feet southeasterly of Foster Avenue, and Rockaway Avenue;
- e. a line midway between East 96th Street and Rockaway Parkway, a line 225 feet northwesterly of Farragut Road, Rockaway Parkway, a line 200 feet northwesterly of Farragut Road, a line midway between Rockaway Parkway and East 98th Street and its southeasterly prolongation, and Glenwood Road;
- f. Flatlands Avenue, East 98th Street, a line 100 feet southeasterly of Flatlands Avenue, and Rockaway Parkway;
- g. a line 100 feet northwesterly of Avenue L, Rockaway Parkway, a line 100 feet southeasterly of Avenue L, and East 94th Street;
- h. Flatlands Avenue, East 103rd Street, a line 100 feet southeasterly of Flatlands Avenue, and East 102nd Street;
- i. Flatlands Avenue, East 106th Street, a line 100 feet southeasterly of Flatlands Avenue, and East 104th Street; and
- j. Flatlands Avenue, a line 325 feet northeasterly of East 108th Street, a line 100 feet southeasterly of Flatlands Avenue, and East 108th Street;

as shown on a diagram (for illustrative purposes only) dated February 17, 2009 and subject to the conditions of CEQR Declaration E-230.

Resolution for adoption scheduling May 6, 2009 for a public hearing.

Nos. 2 & 3***BRIGHTON BEACH REZONING*****No. 2****CD 13****C 090284 ZMK**

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 28c, 28d, and 29b:

1. eliminating from within an existing R6 District a C1-2 District bounded by:
 - a. a line 150 feet northwesterly of Neptune Avenue, a line midway between Coney Island Avenue and Brighton 8th Street, Neptune Avenue, Coney Island Avenue, a line 150 feet southeasterly of Neptune Avenue, Brighton 8th Street, Neptune Avenue, and Brighton 7th Street; and
 - b. Brighton 10th Street and its westerly centerline prolongation, a line 150 feet easterly of Coney Island Avenue, a line 150 feet northwesterly of Brighton Beach Avenue, Brighton 11th Street, Brighton Beach Avenue, a line 200 feet easterly of Coney Island Avenue, a line 100 feet southeasterly of Brighton Beach Avenue, Ocean Parkway, a line 150 feet northwesterly of Brighton Beach Avenue, and a line 90 feet westerly of Coney Island Avenue;
2. eliminating from within an existing R6 District a C1-3 District bounded by a line 150 feet northerly and northeasterly of Brighton Beach Avenue, Brighton 15th Street, Brighton Beach Avenue, and Brighton 11th Street;
3. changing from an R6 District to an R4A District property bounded by a line 130 feet southeasterly of Neptune Avenue, a line midway between Brighton 6th Street and Brighton 7th Street, a line 100 feet southeasterly of Neptune Avenue, a line 100 feet westerly of Coney Island Avenue, Oceanview Avenue, Brighton 2nd Street, a line 100 feet northwesterly of Brighton Beach Avenue, and Brighton 1st Street;
4. changing from an R6 District to an R5 District property bounded by:
 - a. a line 140 feet southwestly of Cass Place, a line midway between Brighton 11th Street and Brighton 12th Street, a line 210 feet southwestly of Cass Place, Brighton 12th Street, a line 400 feet northeasterly of Oceanview Avenue, a line midway between Brighton 11th Street and Brighton 12th Street, a line 240 feet northeasterly of Oceanview Avenue, and Brighton 11th Street;

- b. Brighton 12th Street, Corbin Place, Brighton 15th Street, a line 100 feet westerly of Corbin Place, Oceanview Avenue, a line 100 feet northwesterly of Brighton 14th Street, a line 140 feet northeasterly Oceanview Avenue, and a line 100 feet westerly of Corbin Place; and
 - c. a line perpendicular to the northwesterly street line of Brighton 11th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the northwesterly street line of Brighton 11th Street, a line 160 feet northwesterly of Brighton 11th Street, a line 550 feet northeasterly of the first named course, and Brighton 11th Street;
5. changing from an R6 District to an R5D District property bounded by:
- a. Shore Parkway (North), Coney Island Avenue, a line 100 feet northwesterly of Neptune Avenue, a line perpendicular to the southeasterly street line of Brighton 4th Terrace distant 80 feet northeasterly (as measured along the street line) from the point of intersection of the easterly street line of Brighton 4th Street and the southeasterly street line of Brighton 4th Terrace, Brighton 4th Terrace, Brighton 4th Street, a line perpendicular to the easterly street line of Brighton 3rd Street distant 270 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Neptune Avenue and easterly street line of Brighton 3rd Street, Brighton 3rd Street, a line 100 feet northwesterly of Neptune Avenue, a line midway between Ocean Parkway and Brighton 3rd Street, a line 100 feet southerly of Shore Parkway (South), and Brighton 3rd Street and its northerly centerline prolongation;
 - b.
 1. Guilder Avenue,
 2. a line midway between Coney Island Avenue and East 11th Street,
 3. Neptune Avenue,
 4. a line 100 feet easterly of Coney Island Avenue,
 5. Brighton 10th Court,
 6. a line 80 feet easterly of Coney Island Avenue,
 7. Brighton 10th Path,
 8. Coney Island Avenue,
 9. Brighton 10th Lane,
 10. a line 80 feet easterly of Coney Island Avenue,
 11. a line 160 feet northwesterly of Brighton 11th Street,
 12. a line 550 feet northeasterly of a line perpendicular to the northwesterly street line of Brighton 11th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the northwesterly street line of Brighton 11th Street,
 13. Brighton 11th Street,
 14. Oceanview Avenue,

15. a line midway between Brighton 11th Street and Brighton 12th Street,
 16. a line 100 feet northeasterly of Oceanview Avenue,
 17. Brighton 11th Street,
 18. a line perpendicular to the northwesterly street line of Brighton 11th Street distant 470 feet southwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Cass Place and the northwesterly street line of Brighton 11th Street,
 19. a line 160 feet northwesterly of Brighton 11th Street,
 20. a line 200 feet northeasterly of Course No. 18 above,
 21. Brighton 10th Street,
 22. Neptune Avenue, and
 23. the southerly centerline prolongation of East 12th Street;
- c. a line 100 feet southwesterly of Oceanview Avenue, Brighton 13th Street, a line 220 feet southwesterly of Oceanview Avenue, a line midway between Brighton 13th Street and Brighton 14th Street, a line 100 feet southwesterly of Oceanview Avenue and its southeasterly prolongation (at Brighton 14th Street), a line 100 feet southeasterly of Brighton 14th Street, a line 180 feet northeasterly of Brighton Beach Avenue, Brighton 14th Street, a line 140 feet northeasterly of Brighton Beach Avenue, Brighton 13th Street, a line 100 feet northeasterly of Brighton Beach Avenue, a line midway between Brighton 12th Street and Brighton 13th Street, a line 240 feet southwesterly Oceanview Avenue, and Brighton 12th Street;
- d. Oceanview Avenue, a line 100 feet westerly of Coney Island Avenue, a line 100 feet northwesterly of Brighton Beach Avenue, and Brighton 2nd Street; and
- e. a line 130 feet southeasterly of Neptune Avenue, Brighton 1st Street, a line perpendicular to the easterly street line of Ocean Parkway distant 150 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and easterly street line of Ocean Parkway, and a line 130 feet easterly of Ocean Parkway;
6. changing from an R6 District to an R7A District property bounded by Shore Parkway (North), Brighton 3rd Street and its northerly centerline prolongation, a line 100 feet southerly of Shore Parkway (South), a line midway between Ocean Parkway and Brighton 3rd Street, a line 100 feet northwesterly of Neptune Avenue, Brighton 3rd Street, a line perpendicular to the easterly street line of Brighton 3rd Street distant 270 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Neptune Avenue and easterly street line of Brighton 3rd Street, Brighton 4th Street, Brighton 4th Terrace, a line perpendicular to the southeasterly street line of Brighton 4th Terrace distant 80 feet northeasterly (as measured along the street line) from the

point of intersection of the easterly street line of Brighton 4th Street and the southeasterly street line of Brighton 4th Terrace, a line 100 feet northwesterly of Neptune Avenue, Coney Island Avenue, Neptune Avenue, a line 100 feet easterly of Coney Island Avenue, Brighton 10th Court, a line 80 feet easterly of Coney Island Avenue, Brighton 10th Path, Coney Island Avenue, Brighton 10th Lane, a line 80 feet easterly of Coney Island Avenue, a line 160 feet northwesterly of Brighton 11th Street, a line perpendicular to the northwesterly street line of Brighton 11th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the northwesterly street line of Brighton 11th Street, Brighton 11th Street, Oceanview Avenue, a line midway between Brighton 11th Street and Brighton 12th Street, a line 100 feet northeasterly of Oceanview Avenue, Brighton 11th Street, a line 240 feet northeasterly of Oceanview Avenue, a line midway between Brighton 11th Street and Brighton 12th Street, a line 400 feet northeasterly of Oceanview Avenue, Brighton 12th Street, a line 210 feet southwesterly of Cass Place, a line midway between Brighton 11th Street and Brighton 12th Street, a line 140 feet southwesterly of Cass Place, Brighton 11th Street, Cass Place, Corbin Place, Brighton 12th Street, a line 100 feet westerly of Corbin Place, a line 140 feet northeasterly of Oceanview Avenue, a line 100 feet northwesterly of Brighton 14th Street, Oceanview Avenue, a line 100 feet westerly of Corbin Place, Brighton 15th Street, Corbin Place and its southerly centerline prolongation, Brighton Beach Avenue, a line 200 feet easterly of Coney Island Avenue, a line 100 feet southerly of Brighton Beach Avenue, Coney Island Avenue, a line perpendicular to the westerly street line of Coney Island Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Brighton Beach Avenue and the westerly street line of Coney Island Avenue, a line 100 feet westerly of Coney Island Avenue, a line 100 feet southeasterly of Neptune Avenue, a line midway between Brighton 6th Street and Brighton 7th Street, a line 130 feet southeasterly of Neptune Avenue, a line 130 feet easterly of Ocean Parkway, a line perpendicular to the easterly street line of Ocean Parkway distant 150 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the easterly street line of Ocean Parkway, and Ocean Parkway; and excluding the area bounded by a line 100 feet southwesterly of Oceanview Avenue, Brighton 13th Street, a line 220 feet southwesterly of Ocean View Avenue, a line midway between Brighton 13th Street and Brighton 14th Street, a line 100 feet southwesterly of Oceanview Avenue and its southeasterly prolongation (at Brighton 14th Street), a line 100 feet southeasterly of Brighton 14th Street, a line 180 feet northeasterly of Brighton Beach Avenue, Brighton 14th Street, a line 140 feet northeasterly of Brighton Beach Avenue, Brighton 13th Street, a line 100 feet northeasterly of Brighton Beach Avenue, a line midway between Brighton 12th Street and Brighton 13th Street, a line 240 feet southwesterly of Oceanview Avenue, and Brighton 12th Street;

7. changing from an R6 District to a C4-4A District property bounded by a line perpendicular to the westerly street line of Coney Island Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the

northwesterly street line of Brighton Beach Avenue and the westerly street line of Coney Island Avenue, Coney Island Avenue, a line 100 feet southeasterly and southerly of Brighton Beach Avenue, Ocean Parkway, a line perpendicular to the easterly street line of Ocean Parkway distant 150 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and easterly street line of Ocean Parkway, Brighton 1st Street, a line 100 feet northwesterly of Brighton Beach Avenue, and line 100 feet westerly of Coney Island Avenue;

8. establishing within a proposed R7A District a C2-4 District bounded by a line 100 feet northwesterly of Neptune Avenue, Coney Island Avenue, Neptune Avenue, a line 100 feet easterly of Coney Island Avenue, Brighton 10th Court, a line 80 feet easterly of Coney Island Avenue, Brighton 10th Path, Coney Island Avenue, Brighton 10th Lane, a line 80 feet easterly of Coney Island Avenue, a line 160 feet northwesterly of Brighton 11th Street, a line perpendicular to the northwesterly street line of Brighton 11th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the northwesterly street line of Brighton 11th Street, Brighton 11th Street, a line 100 feet northerly and northeasterly of Brighton Beach Avenue, Brighton 13th Street, a line 140 feet northeasterly of Brighton Beach Avenue, Brighton 14th Street, a line 100 feet northeasterly of Brighton Beach Avenue, Brighton 15th Street, Brighton Beach Avenue , a line 200 feet easterly of Coney Island Avenue, a line 100 feet southerly of Brighton Beach Avenue, Coney Island Avenue, a line perpendicular to the westerly street line of Coney Island Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Brighton Beach Avenue and the westerly street line of Coney Island Avenue, a line 100 feet westerly of Coney Island Avenue, a line 100 feet southeasterly of Neptune Avenue, a line midway between Brighton 6th Street and Brighton 7th Street, a line 130 feet southeasterly of Neptune Avenue, and Ocean Parkway; and
9. establishing a Special Ocean Parkway District bounded by Brighton Beach Avenue, Coney Island Avenue, a line 100 feet southerly of Brighton Beach Avenue, and Ocean Parkway;

as shown on a diagram (for illustrative purposes only) dated January 20, 2008 and subject to the conditions of CEQR Declaration E-228.

Resolution for adoption scheduling May 6, 2009 for a public hearing.

No. 3

CD 13

N 090285 ZRK

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 3 (Special Ocean Parkway District), in Community District 13, Borough of Brooklyn.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article I

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

Words in the text or tables of this Resolution which are #italicized# shall be interpreted in accordance with the provisions set forth in this Section.

* * *

Special Ocean Parkway District

The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3, apply. The #Special Ocean Parkway District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or modify those of the districts on which it is superimposed.

~~The Subdistrict of the #Special Ocean Parkway District# is identified in Appendix A in Article XI, Chapter 3. In addition to the requirements of Sections 113-10 through 113-40, the special regulations set forth in Sections 113-50 through 113-57, inclusive, shall apply to the subdistricts.~~

* * *

Article II

Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

* * *

**23-011
Quality Housing Program**

* * *

(c) The Quality Housing Program shall not apply to:

* * *

- (3) #zoning lots# in R6 or R7 Districts within the study areas set forth in this paragraph, (c)(3), and occupied, as of August 14, 1987, by a #single-#, #two-# or three-#family detached# or #semi-detached residence# where 70 percent or more of the aggregate length of the blockfronts in #residential use# on both sides of the #street# facing each other are occupied by such #residences#. For any #development# on such #zoning lot#, the #floor area ratio# and density requirements of the underlying district shall apply. On a #narrow street# that intersects with a #wide street#, the 70 percent #residential use# requirement on a #narrow street# shall be measured from a distance of 100 feet from its intersection with a #wide street#.

The study areas are:

* * *

In the borough of Brooklyn:

Ocean Parkway Area

The area bounded by Church Avenue, Stratford Road, Beverley Road, Ocean Avenue, Foster Avenue and Coney Island Avenue.

Midwood Area

The area bounded by Avenue M, Ocean Avenue, Quentin Road, and a line midway between East 10th Street and Coney Island Avenue.

Brighton Beach Area

The area bounded by Shore Parkway, NYCTA Brighton Right-of-Way, ~~Brighton Beach Avenue and Ocean Parkway~~, Cass Place, Guider Avenue and Coney Island Avenue.

* * *

**23-90
INCLUSIONARY HOUSING**

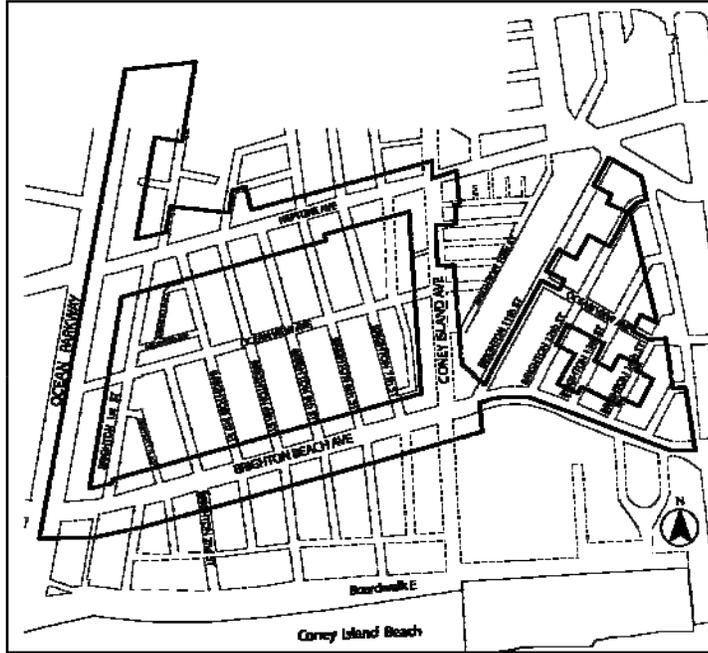
* * *

**23-922
Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in the following areas:

* * *

(k) In Community District 13, in the Borough of Brooklyn, in the R7A District within the area shown on the following Map 16:



MAP 16
Portion of Community District 13, Brooklyn

* * *

Article XI - Special Purpose Districts

Chapter 3 **Special Ocean Parkway District**

* * *

113-00 **GENERAL PURPOSES**

The "Special Ocean Parkway District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include among others the following specific purposes:

- (a) to promote and strengthen the scenic landmark designation of Ocean Parkway by requiring landscaping along Ocean Parkway;
- (b) to maintain the existing scale and character of the community by limiting the bulk of permitted community facilities;
- (c) to protect the environmental quality of and improve circulation within the District by requiring enclosed parking for all uses along Ocean Parkway and by requiring off-street loading for certain community facilities throughout the District; and
- (d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

113-01

Definitions

~~Special Ocean Parkway District
(repeated from Section 12-10)~~

~~The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3 apply. The #Special Ocean Parkway District# appears on the #zoning map# superimposed on other districts and its regulations supplement or modify those of the districts on which it is superimposed.~~

~~The Subdistrict of the #Special Ocean Parkway District# is identified in Appendix A in Article XI, Chapter 3. In addition to the requirements of Sections 113-10 through 113-40, the special regulations set forth in Sections 113-50 through 113-57, inclusive, shall apply to the subdistrict.~~

113-021

General Provisions

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District the regulations of the underlying districts remain in force.

In order to preserve and enhance the character of the neighborhood, Subdistrict A within the #Special Ocean Parkway District# is established to encourage large single- or two-family detached and semi-detached residences, Subdistrict B is established to encourage the formation of a development pattern that will provide access to city services by locating development on streets of adequate width, and Subdistrict C is established to encourage development that strengthens the commercial character of Brighton Beach Avenue and promotes building designs that are compatible with the adjacent elevated subway.

113-02
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Ocean Parkway District# Plan.

The District Plan includes the following maps:

<u>Map 1</u>	<u>Special Ocean Parkway District and Subdistricts</u>
<u>Map 2</u>	<u>Public Ways Designated as Streets in Subdistrict B</u>

These maps are located in Appendix A of this Chapter and are hereby incorporated and made a part of this Resolution. The maps are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

113-03
Subdistricts

There are three special subdistricts within the #Special Ocean Parkway District# which are identified in Appendix A of this Chapter. In addition to the requirements of Sections 113-10 through 113-40, the special regulations set forth in Sections 113-50 through 113-75, inclusive, shall apply to the subdistricts.

113-10
SPECIAL BULK REGULATIONS

113-11
Special Bulk Regulations for Community Facilities

* * *

(c) ~~in the s Subdistrict A~~ the special #bulk# regulations set forth in Section 113-503 (~~Special bulk regulations~~) shall apply; and

* * *

113-13
Special Height and Setback Regulations

For all #developments# or #enlargements# in R7A Districts with frontage along Ocean Parkway between Shore Parkway and Brighton Beach Avenue, the underlying height and setback regulation shall be modified to establish a minimum base height of 60 feet, a maximum base height of 85 feet and a maximum building height of 125 feet.

* * *

113-50
THE SUB-DISTRICT SUBDISTRICT A

113-501**General purposes**

In order to preserve and enhance the character of the neighborhood, the subdistrict within the Special Ocean Parkway District is established which encourages large single or two-family detached and semi-detached residences.

113-502**Special use regulations**

Within ~~the s~~ Subdistrict A, #single-# and #two-family detached# and #semi-detached residences# and #uses# listed in Use Groups 3 or 4 are the only permitted #uses#. #Non-conforming single-# or #two-family residences# may be #enlarged# or #extended# pursuant to the provisions of the subdistrict provided that a 30 foot #rear yard# is maintained. All other #non-conforming uses# shall be subject to the provisions of Article V, Chapter 2 (Non-Conforming Uses).

113-503**Special bulk regulations**

For #single-# and #two-family detached# and #semi-detached residences# in Subdistrict A, certain underlying ~~district~~ #bulk# regulations set forth in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) are superseded by those set forth in Sections 113-51 through 113-55, inclusive. The regulations applicable to a #predominantly built-up area# shall not apply ~~in the subdistrict~~.

For #community facility buildings# in Subdistrict A, certain underlying ~~district~~ #bulk# regulations set forth in Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), are superseded by those set forth in Sections 113-51 (Maximum Permitted Floor Area Ratio), 113-52 (Density Regulations), 113-542 (Minimum required front yards), 113-543 (Minimum required side yards), 113-544 (Minimum required rear yards) and 113-55 (Height and Setback Regulations). The provisions of Sections 24-01 (Applicability of this Chapter) and 24-04 (Modification of Bulk Regulations in Certain Districts) pertaining to R4-1 Districts shall not apply ~~in the subdistrict~~.

* * *

113-55**Height and Setback Regulations**

The height and setback regulations of a #residential building or other structure# ~~in the s~~ Subdistrict A shall be as set forth in Section 23-631, for #buildings or other structures# in R4A Districts, except that paragraph (b)(2) of Section 23-631 shall be modified as follows:

Each perimeter wall of the #building or other structure# may have one or more apex points directly above it on the 35 foot high plane. (See Figure B).

* * *

113-60
SUBDISTRICT B

113-61
Determination of Streets

Within Subdistrict B, only those public ways indicated on Map 2 (Public Ways Designated as Streets in Subdistrict B) in Appendix A of this Chapter shall be considered #streets# for the purposes of applying the #bulk#, #use# and parking regulations of this Chapter.

113-62
Optional Provisions for Certain Lots

The #bulk#, #use# and parking regulations of an R5D District may be applied within Subdistrict B for #zoning lots# that have a minimum depth of 70 feet and front upon a #street#, as indicated on Map 2 in Appendix A of this Chapter.

113-70
SUBDISTRICT C

113-71
Special Use Regulations

113-711
Ground Floor Use

For #buildings# fronting upon Brighton Beach Avenue, #uses# on the ground floor, or within five feet of #curb level# shall be limited to Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2. Such #uses# shall have a depth of at least 30 feet from the #street wall# of the #building# and extend along the entire width of the #building#, except for lobbies and entrances to #accessory# parking spaces. Such lobbies and entrances may not occupy more than 20 feet or 25 percent of the #street wall# width of the #building#, whichever is less. Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor provided such spaces are located beyond 30 feet of the #street wall# of the building frontage on Brighton Beach Avenue.

113-712
Transparency Requirements

For any #developments#, or for the #enlarged# portion of a #building#, each ground floor #street wall# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level

#street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

113-72

Special Height and Setback Regulations

The underlying height and setback regulations shall be modified for #developments# or #enlargements# fronting on Brighton Beach Avenue to establish a minimum base height of 30 feet, a maximum base height of 40 feet and a maximum #building# height of 100 feet.

113-73

Special Parking and Curb Cut Regulations

113-731

Location of curb cuts

Curb cuts shall not be permitted on Brighton Beach Avenue. However, for #zoning lots# without access to a #street# other than Brighton Beach Avenue, the Chairperson of the Planning Commission may, by certification to the Department of Buildings, may approve such curb cut, provided that such location:

- (a) is the only possible location for access to the parking or loading facility;
- (b) does not exceed a width of 20 feet;

Such access restrictions with regard to curb cuts shall not apply to #schools#, hospitals and related facilities, police stations or fire stations.

113-732

Modification of waiver of parking requirements

For #residential developments# and #enlargements#, the provisions of Sections 36-34 (Modification of Parking Requirements for Small Zoning Lots) and 36-36 (Waiver of Requirements for Small Number of Spaces), shall apply only on #zoning lots# existing on (effective date), and on the date of application for a building permit.

113-733

Reduced requirements for small zoning lots

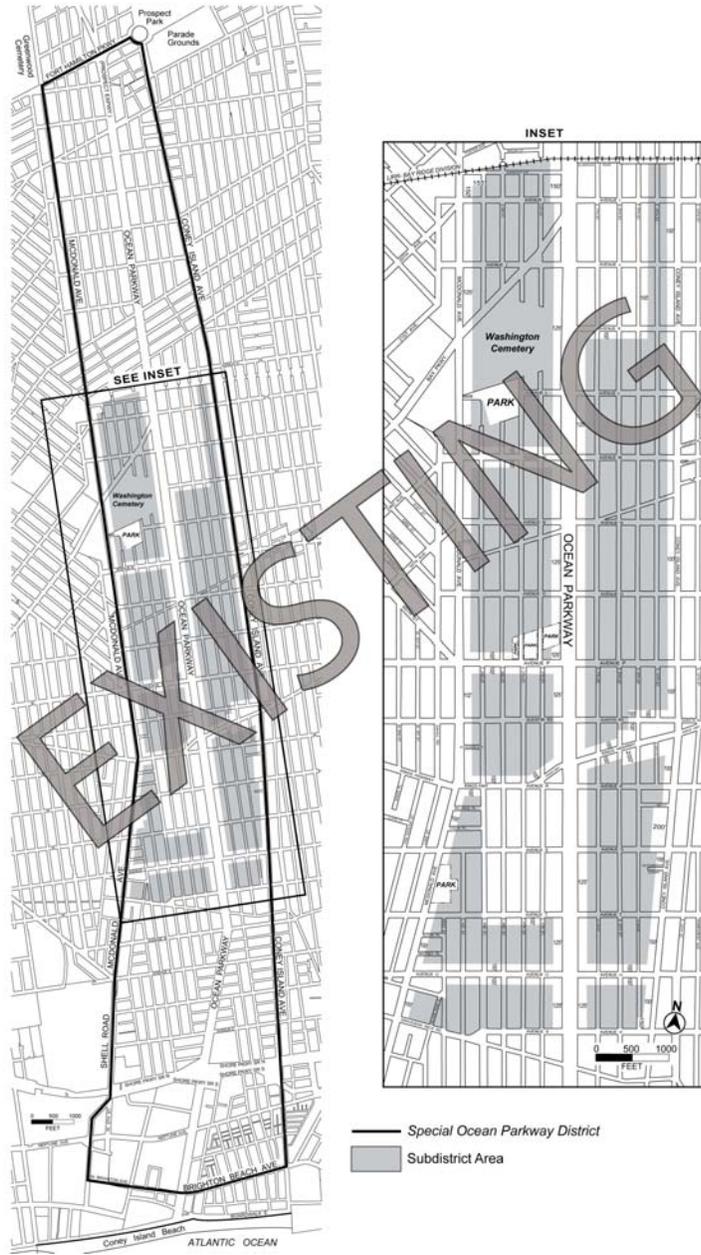
For #residential developments# and #enlargements# on #zoning lots# with a #lot area# that is less than 10,000 square feet, the number of required #accessory# offstreet parking spaces shall be at least 30 percent of the total number of #dwelling units#. For #zoning lots# with a #lot area# that is greater than 10,000 square feet, the number of required #accessory# offstreet parking spaces shall be at least 50 percent of the total number of #dwelling units#.

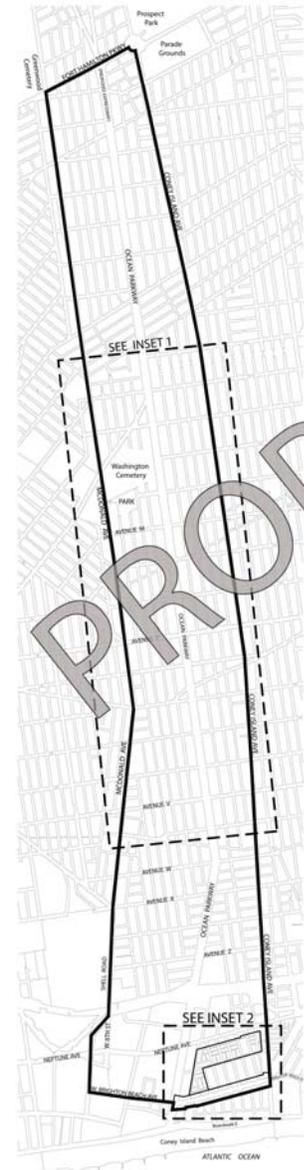
Appendix A
Special Ocean Parkway District

Map 1 Special Ocean Parkway District and Subdistricts

Map 2 Public Ways Designated as Streets in Subdistrict B

Map 1. Special Ocean Parkway Districts and Subdistricts



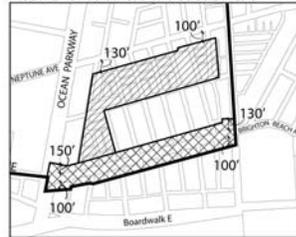


Special Ocean Parkway District

INSET 1 - Subdistrict A

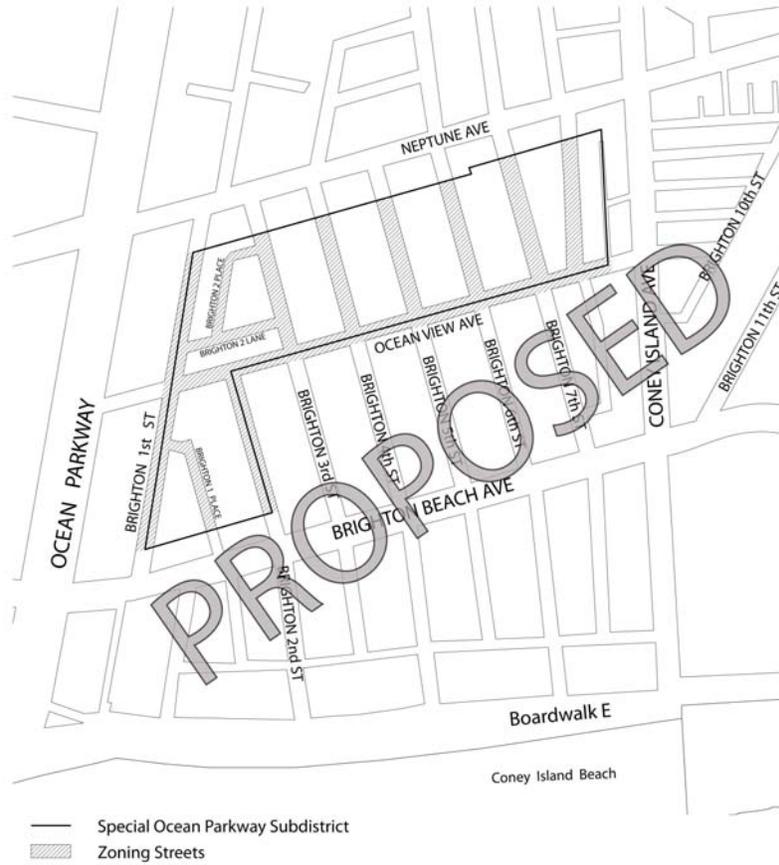


INSET 2 - Subdistrict B and Subdistrict C



- Subdistrict A
- Subdistrict B
- Subdistrict C

Map 2. Rights-of-Way Designated as Streets in Subdistrict B



Resolution for adoption scheduling May 6, 2009 for a public hearing.

Nos. 4-11

CONEY ISLAND PLAN

No. 4

NOTE: This hearing is not likely to begin before 10:30 a.m.

CD 13

C 090272 ZMK

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d:

1. eliminating from within an existing R6 District a C1-2 District bounded by Mermaid Avenue, Stillwell Avenue, a line 150 feet southerly of Mermaid Avenue, West 17th Street, a line 250 feet southerly of Mermaid Avenue, West 19th Street, a line 150 feet southerly of Mermaid Avenue, and West 20th Street;
2. changing from a C7 District to an R5 District property bounded by a line 300 feet northerly of the northerly boundary line of Coney Island Beach, a line 150 feet northerly of former Highland View Avenue*, West 22nd Street, the northerly and easterly boundary line of a park*, the northerly boundary line of Coney Island Beach, and West 24th Street and its southerly centerline prolongation;
3. changing from an R6 District to an R7A District property bounded by Mermaid Avenue, West 15th Street, a line 100 feet southerly of Mermaid Avenue, and West 20th Street;
4. changing from a C7 District to an R7D District property bounded by Surf Avenue, the northerly prolongation of the westerly boundary line of a park, the northerly and westerly boundary line of a former park*, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park*, and West 22nd Street; and excluding the area bounded by the southerly street line of Surf Avenue, the westerly street line of West 21st Street, the southerly, easterly and southerly boundary line of a former park*, and the easterly street line of West 22nd Street;
5. changing from an R6 District to an R7X District property bounded by Mermaid Avenue, Stillwell Avenue, a line 150 feet southerly of Mermaid Avenue, West 17th Street, Surf Avenue, West 20th Street, a line 100 feet southerly of Mermaid Avenue, and West 15th Street;
6. changing from a C7 District to an R7X District property bounded by a line 150 feet southerly of Mermaid Avenue, Stillwell Avenue, Surf Avenue, and West 17th Street;
7. establishing an R7D District bounded by:

- a. the southerly street line of Surf Avenue, the westerly street line of West 21st Street, the southerly, easterly and southerly boundary line of a former park*, and the easterly street line of West 22nd Street; and
 - b. the southerly street line of Surf Avenue, the proposed westerly boundary line of a park, the northerly boundary line of Coney Island Beach, and the westerly boundary line of a former park*;
- 8. establishing within a proposed R7A District a C2-4 District bounded by Mermaid Avenue, West 15th Street, a line 100 feet southerly of Mermaid Avenue, and West 20th Street;
 - 9. establishing within a proposed R7D District a C2-4 District bounded by Surf Avenue, the westerly boundary line of a park, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park*, and West 22nd Street;
 - 10. establishing within a proposed R7X District a C2-4 District bounded by Mermaid Avenue, Stillwell Avenue, Surf Avenue, West 20th Street, a line 100 feet southerly of Mermaid Avenue, and West 15th Street; and
 - 11. establishing a Special Coney Island District (CI) bounded by Mermaid Avenue, Stillwell Avenue, the southerly boundary of the MTA New York City Transit Authority right-of-way, West 8th Street, Surf Avenue, the centerline of former West 8th Street and its northerly centerline prolongation, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park*, West 22nd Street, Surf Avenue, and West 20th Street;

as shown on a diagram (for illustrative purposes only) dated January 20, 2008 and subject to the conditions of CEQR Declaration E-229.

*Note: Highland View Avenue and existing parks are proposed to be eliminated, and new parks are proposed to be established under a related concurrent application 090107 MMK for a change in the City Map.

Resolution for adoption scheduling May 6, 2009 for a public hearing.

No. 5

CD 13

N 090273 ZRK

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning

Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1) , in Community District 13, Borough of Brooklyn.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicate where unchanged text appears in the Zoning Resolution

11-12

Establishment of Districts

* * *

Establishment of the Special Clinton District

* * *

Establishment of the Special Coney Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 1, the #Special Coney Island District# is hereby established.

Establishment of the Special Coney Island Mixed Use District

* * *

12-10

Definitions

* * *

Special Coney Island District

The #Special Coney Island District# is a Special Purpose District designated by the letters "CI" in which special regulations set forth in Article XIII, Chapter 1, apply. The #Special Coney Island District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed.

14-44

Special Zoning Districts Where Certain Sidewalk Cafes are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

 * #Sidewalk cafes# are not allowed on Ocean Parkway

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Brooklyn		
Bay Ridge District	Yes	Yes
<u>Coney Island District</u>	<u>No</u>	<u>Yes</u>
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Mixed Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District*	Yes	Yes
Sheepshead Bay District	No	Yes
* * *		

**Chapter 5
 Residential Conversion of Existing Non-Residential Buildings**

* * *

**15-011
 Applicability within Special Districts**

* * *

The provisions of this Chapter shall apply in the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District).

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

* * *

ALL TEXT IN ARTICLE XIII, CHAPTER 1 IS NEW

**131-00
 GENERAL PURPOSES**

The #Special Coney Island District# established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) preserve, protect and enhance the character of the existing amusement district as the location of the city's foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (b) facilitate and guide the development of a year-round amusement, entertainment and hotel district;
- (c) facilitate and guide the development of a residential and retail district;
- (d) provide a transition to the neighboring areas to the north and west;
- (e) provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
- (f) control the impact of buildings on the access to light and air to streets, the boardwalk and parks of the district and surrounding neighborhood;
- (g) promote development in accordance with the area's District Plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

131-01

General Provisions

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

131-02

District Plan and Maps

The District Plan for the #Special Coney Island District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Coney Island District#. The District Plan includes the following maps in the Appendix of this Chapter.

Map 1	Special Coney Island District and Subdistricts
Map 2	Mandatory Ground Floor Use Requirements
Map 3	Coney East Subdistrict Floor Area Ratios
Map 4	Street Wall Location

Map 5	Minimum and Maximum Base Heights
Map 6	Coney West Subdistrict Transition Heights

**131-03
Subdistricts**

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established as follows:

Coney East
Coney West
Coney North
Mermaid Avenue

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix of this Chapter.

**131-04
Applicability**

**131-041
Applicability of Article I, Chapter 1**

Within the #Special Coney Island District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

**131-042
Applicability of Article 1, Chapter 5**

The provisions of Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), shall apply in the #Special Coney Island District#, as modified in this Section. The conversion to #dwelling units#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12

(Open Space Equivalent) and 15-30 Minor Modifications), paragraph (b). Uses in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

131-043

Applicability of Article 7 Chapter 4

The provisions of Section 74-513 (In C7 Districts) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).

131-044

Physical Culture Establishments

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North and Coney West Subdistricts. In lieu thereof, physical culture establishments shall be allowed as-of-right.

131-045

Modification of use and bulk regulations for zoning lots fronting upon the Riegelmann Boardwalk, Keyspan Park and Highland View Park

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of the Riegelmann Boardwalk, Keyspan Park or Highland View Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

131-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying Commercial Districts are modified in Sections 131-11 through 131-15, inclusive.

As used in this Chapter, “ground floor level” shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open area.

131-11

Use Group 5

For the purposes of this Chapter, the definition of #transient hotels# shall be modified as set forth in this Section, and only #transient hotels# as defined in this Section shall be

permitted in specified locations. Special regulations for #transient hotels# and “transient occupancy” are set forth as follows:

A #transient hotel# is a #building# or part of a #building# in which:

- (a) all units containing living or sleeping accommodations are used exclusively for “transient occupancy,” which shall be defined as follows:
 - (1) such occupancy does not exceed any period of 29 consecutive days or a total of 60 days in a calendar year; or
 - (2) such occupancy is the result of a referral by a government agency to provide temporary accommodations.
- (b) each such unit is available each day for rent, unless rented, except for periods of maintenance and repair;
- (c) all such units are fully furnished by the hotel operator;
- (d) one or more common entrances serve all such units;
- (e) there is a uniform key entry system, administered by management or hotel staff, to receive and disburse keys for each room; and
- (f) twenty-four hour desk service, housekeeping services and the furnishing and laundering of linens are provided.

A central rubbish chute shall be accessible only to hotel staff. Restaurants, cocktail lounges, public banquet halls, ballrooms and meeting rooms shall be considered #accessory uses# provided such #uses# are accessible to all occupants of the #transient hotel# and their guests from a common area of the #transient hotel#.

13-12

Use Groups A, B and C

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

131-121

Use Group A: Amusements

Use Group A consists of a group of #uses# selected from Use Groups 12, 13 and 15 as modified in this Section, and may be open or enclosed:

Amusement arcades

Amusement parks, with no limitation on floor area per establishment

Animal exhibits, circuses, carnivals or fairs of a temporary nature

Arenas or auditoriums, with capacity limited to 2,500 seats

Billiard parlors or pool halls, bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment

Camps, overnight or day, commercial beaches or swimming pools

Dark rides, electronic or computer-supported games including interactive entertainment facilities, laser tag and motion simulators

Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry-go-rounds or similar midway attractions

Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions

Gymnasiums or recreational sports facilities including but not limited to indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements

Miniature golf courses and model car hobby centers, including racing

Open booths with games of skill or chance, including shooting galleries

Skateboard parks, roller or ice skating rinks

Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet except that on #corner lots# one #street# frontage may extend up to 100 feet.

Water parks

#Accessory uses# to the amusements listed above, including the display and sale of goods or services, provided:

- (a) such #accessory uses# are limited to not more than 25 percent of the #floor area# of the amusement establishment, or, for open #uses#, not more than 25 percent of the #lot area#;
- (b) such #accessory uses# are entered only through the principal amusement establishment;
- (c) such #accessory uses# share common cash registers with the principal amusement #use#;
- (d) such #accessory uses# shall have the same hours of operation as the principal amusement #use#, and

- (e) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building#, or, for open #uses#, at least 30 feet from the #street line#.

131-122

Use Group B: Amusement and Entertainment District Enhancing Uses

Use Group B consists of a group of #uses# selected from Use Groups 6, 9, 12, 13 and 18, as modified in this Section:

Art gallery, commercial

Banquet halls

Breweries

Eating or drinking establishments of any size, including those with entertainment or dancing

Historical exhibits

Spas and bathhouses

Studios, art, music, dancing or theatrical

Tattoo parlors

Radio or television studios

Wedding chapels

131-123

Use Group C: Retail and Service Uses

Use Group C consists of a group of retail and service #uses#, as modified in this Section, selected from Use Groups 6, 7, 12 and 14:

Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving

Bicycle sales, rental or repair shops

Bookstores

Candy or ice cream stores
 Cigar and tobacco stores
 Clothing or clothing accessory
 Clothing, custom manufacturing or altering for retail including costume production and hair product manufacturing
 Delicatessen stores
 Fishing tackle or equipment, rental or sales
 Gift shops
 Jewelry manufacturing from precious metals
 Musical instruments store
 Toy stores
 Music stores
 Newsstands
 Patio or beach furniture or equipment
 Photographic equipment stores and studios
 Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving

131-13
Special Use Regulations in Subdistricts

131-131
Coney East Subdistrict

The #use# regulations of the underlying C7 District are modified as set forth in this Section. Use Groups A, B and C, #transient hotels#, as set forth in Sections 131-11 through 131-124, inclusive, and #public parking garages# shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

- (a) Use Group C
 - Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.
- (b) Wonder Wheel Way and Bowery

At least 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# along shall be occupied by Use Group A #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

The Surf Avenue frontage of any ground floor level establishment shall not exceed a #street wall# width of 60 feet. However, an establishment may exceed a #street wall# width of 60 feet where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such additional width is necessary to accommodate an amusement #use# listed in Use Group A.

(d) Transient Hotels

- (1) #transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th Street and West 16th Street south of the prolongation of the centerline of Bowery;
- (2) #transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage,
- (3) for #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A #uses#, equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either on-site or anywhere within the Coney East Subdistrict.
- (4) the #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory uses# including, but not limited to lobbies, retail or eating and drinking establishments and amusements.
- (5) #accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

(f) Parcel 1

On Parcel 1 as shown on Map 2, only #uses# listed in Use Group A shall be permitted.

(g) Parcel 2

On Parcel 2 as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size shall be permitted, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).

131-132

Coney North and Coney West Subdistricts

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply except as modified in this Section for #uses# fronting upon designated streets, as shown on Map 2 (Mandatory Ground Floor Use Requirements). For the purposes of this Section, the “Building Line” shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as applicable.

(a) Mandatory Ground Floor Level Use along Designated Streets

Any #use# listed in Use Groups A, B and C, as set forth in Sections 131-121 through 131-123 not otherwise allowed by the underlying district regulations shall be permitted within 70 feet of the Riegelmann Boardwalk, and within 100 feet of all other designated streets, as shown on Map 2.

(1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and #transient hotels# located above the ground floor level are permitted within 70 feet of the Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of frontage along the Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#.

(2) Designated Streets other than Riegelmann Boardwalk

At least 20 percent of the designated #street# frontage of a #building# shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining designated #street# frontage of such #buildings# shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted, #transient hotels#. All such #uses# shall be located in establishments with not more than 60 feet of designated #street# frontage, except that for any such establishment on a corner of two designated #streets#, one frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a designated #street#, and the minimum 50 foot depth requirement for

#commercial uses# may be reduced where necessary in order to accommodate a #residential# lobby and vertical circulation core.

- (b) Prohibited Ground Floor Level Uses along Designated Streets other than Riegelmann Boardwalk

No #use# listed in this paragraph (b) shall be permitted within 50 feet of a designated street on the ground floor level of a #building#. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:
All #uses#.

From Use Groups 3A and 3B:
All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:
All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:
All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street.

From Use Groups 6B, and 6E
offices, veterinary medicine offices or non-commercial clubs

From Use Group 6C
Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40% of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue;
electrolysis studios, frozen food lockers and loan offices.

From Use Group 6D:
All #uses#.

From Use Group 7:
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:
All #uses#.

From Use Groups 9A, 9B and 9C:

All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:
All #uses#.

Use Groups 12A and 12B:
Trade expositions.

Use Groups 12C and 12D:
All #uses#.

Use Group 14A and 14B:
All #uses#, except for bicycle sales, rental or repair shops.

131-14

Location of uses within buildings

The provisions of Section 32-42 (Location Within Buildings) are modified to permit:

- (a) #Residential uses# on the same #story# as a non-#residential use# or directly below a non-#residential use# provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and
- (b) In the Coney North and Coney West Subdistricts, any #commercial use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#.

131-15

Transparency

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A as set forth in Section 131-121 shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

However, in the Coney East Subdistrict and along the Riegelmann Boardwalk and boundary of Keyspan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section 131-15, at least 70 percent of the area of the ground floor level #street wall# of a #commercial use#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 70 percent open during seasonal business hours.

**131-16
Security Gates**

All security gates installed after (effective date of amendment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#. However, this provision shall not apply to entrances or exits to parking garages, or to any #use# fronting upon the Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.

**131-17
Authorization for #use# modifications**

Along designated streets other than the Riegelmann Boardwalk, as shown on Map 2, the City Planning Commission may authorize Use Group A, B or C establishments with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

**131-20
SIGN REGULATIONS**

- (a) In the Coney East Subdistrict, the underlying C7 #sign# regulations shall apply, except that:
 - (1) no #advertising signs# shall be permitted above a height of 40 feet; and
 - (2) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and Section 32-67 (Special Provisions Applying along District Boundaries) shall not apply.
- (b) In the Coney North and Coney West Subdistricts, the underlying C2-4 #sign# regulations shall apply, except that the height restrictions of Section 32-655 shall be modified to allow permitted #signs# at the level of any #story# occupied by #commercial use#.

**131-30
FLOOR AREA REGULATIONS**

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section 131-30, inclusive.

**131-31
Coney East Subdistrict**

The maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block# or portion thereof, as shown on Map 3 (Coney East Subdistrict Floor Area Ratio). On Parcel 1 as shown on Map 3, the maximum #floor area ratio# for a Use Group A amusement #use# shall be 2.0, and the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

**131-32
Coney West, Coney North and Mermaid Avenue Subdistricts**

**131-321
Special residential floor area regulations
R7A R7D R7X**

(a) Applicability of Inclusionary Housing Program

R7A, R7D, and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (Definitions), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (Inclusionary Housing Program), inclusive, applicable as modified within the Special District.

(b) Maximum #floor area ratio#

The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the following Table 1. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in Table 1 through the provision of #lower income housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), inclusive. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

TABLE 1
FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

Subdistrict – Zoning District	Base #floor area ratio#	Maximum #floor area ratio#
Coney West Parcels A, B, C and D – R7D	4.35	5.8
Coney West Parcels E and F – R7D	4.12	5.5
Coney North – R7X	3.75	5.0
Mermaid Avenue – R7A	3.45	4.6

(c) Coney West floor area distribution rules

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within parcels A and B as shown on Map 1 may be distributed anywhere within such parcels; #floor area# attributable to #zoning lots# within Parcels C and D as shown on Map 1 may be distributed anywhere within such parcels, and #floor area# attributable to #zoning lots# within Parcels E and F as shown on Map 1 may be distributed anywhere within such parcels.

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of paragraph (b) of Section 23-942 shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

131-322

Special community facility floor area regulations

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

131-323

Special hotel floor area ratio regulations

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, the maximum permitted #floor area ratio# shall be 3.75.

131-324**Lot coverage**

For #residential use#, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

131-40**HEIGHT AND SETBACK REGULATIONS**

The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

131-41**Rooftop Regulations**

(a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

(b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

131-42**Coney East Subdistrict**

The regulations of this Section 131-42, inclusive, shall apply to all #buildings or other structures# in the Coney East Subdistrict. For the purposes of applying the height and

setback regulations of this Section, Jones Walk shall not be considered a #street#. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights) illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section 131-42, inclusive.

131-421

Coney East, south side of Surf Avenue

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) Street wall location

The #street wall# of the #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except as follows:

- (1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10th Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10th Street to a point on the West 10th Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;
- (2) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (3) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;
- (4) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower above, and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

West of Jones Walk, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and a maximum base height of 85 feet.

East of Jones Walk, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and a maximum height of 60, except that a maximum building height of 85 shall be permitted within 100 feet of Jones Walk provided any portion of the #building# that exceeds a height of 60 feet is set back from the Surf Avenue #street wall# of the #building# at least 10 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

All portions of a #building# that exceed the maximum base heights set forth in this paragraph (b) shall be set back from the #street line# at least ten feet, except that a set back with a minimum depth of 20 feet shall be required from the West 10th Street #street line#. All portions of #buildings# that exceed a height of 85 feet shall comply with the tower provisions of paragraph (c) of this Section.

(c) Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 85 feet shall be considered a ‘tower’ and shall comply with the provisions of this paragraph.

(1) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(2) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

The maximum height of a #building# shall be 150 feet between West 12th Street and Jones Walk, and, between West 12th Street and West 16th Street the maximum height of a #building# on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet, and the maximum height of a #building# on #zoning lots# with 10,000 square feet or more of #lot area# shall be 270 feet. All towers that exceed a height of 150 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(3) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

131-422**Coney East, north side of Surf Avenue**

Any #building or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

131-423**Along all other streets**

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets# and portions thereof located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) Street wall location

The #street wall# of the #development# or #enlargement# or portion thereof shall be located within five feet of the #street line#.

(b) Maximum building height

The #street wall# of a #development# or #enlargement# or portion thereof shall rise to a minimum height of 20 feet and a maximum height of 40 feet. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet. However, a #building# that exceeds a height of 60 feet shall be permitted where the Chairperson of the City Planning Department certifies to the Department of Buildings that such additional height is necessary to accommodate an amusement #use# listed in Use Group A.

131-43**Coney West Subdistrict**

The regulations of this Section 131-43 shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights)

illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section 131-43, inclusive. For the purposes of this Section, the “Building Line” shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

131-431
Coney West, Surf Avenue

The regulations of this Section 131-431 shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) Street wall location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except as follows:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without set back from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such set back area is not greater than 40 percent of the width of the #street wall# of the tower and provided such set back area complies with the provisions of Section 131-47 (Design Requirements for ground Level Setbacks).

(b) Building base regulations

The #street wall# of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of six #stories# or 65 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to at least a height of eight #stories# or 80 feet, whichever is less. However, on the blockfront bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the

maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed the maximum heights set forth in this paragraph (b) shall be set back from the #street line# at least ten feet.

(c) Transition height

A #street wall# may rise to a maximum transition height of 105 feet, provided that not more than 60 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 85 feet. All portions of #buildings that exceed a transition height of 105 feet shall comply with the tower provisions of Section 131-434.

131-432

Along all other Streets, other than the Riegelmann Boardwalk

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of the Riegelmann Boardwalk.

(a) Street wall location

The #street wall# of a building base of a #development# or #enlargement# or portion thereof beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such set back area is not greater than 40 percent of the width of the #street wall# of the tower above. Any area between the #street wall# of a #building# and the #street line# shall be planted, except for entrances to #buildings#, where the ground floor level is occupied by #residential use#.

(b) Building base regulations

The #street wall# of a building base of a #development# or #enlargement# or portion thereof located beyond 100 feet of Surf Avenue shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street

lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#. All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such set back distance may include the depth of any permitted recesses.

(c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of 9 #stories# or 95 feet, whichever is less, provided that:

- (1) not more than 60 percent of the #aggregate width of street walls# facing Ocean Way shall exceed a height of 65 feet;
- (2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6.
- (3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of the Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least ten feet, measured from the south facing wall of the #story# directly below.

A #building# may exceed such transition heights only in accordance with the tower provisions of Section 131-434.

131-433

Riegelmann Boardwalk

The #street wall# of the #development# or #enlargement# shall be located on the Riegelman Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet. Any #building or other structure# within 70 feet of the Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of the Riegelmann Boardwalk.

131-434

Coney West Towers

All #stories# of a #development# or #enlargement# located partially or wholly above an applicable transition height shall be considered a ‘tower’ and shall comply with the provisions of this Section.

(a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet, and on #blocks# bounding the southerly #street line# of Ocean Way, the maximum #building# height shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet. For #developments# that provide #lower income housing# pursuant to Section 131-321, and where no side of such rectangle exceeds a length of 100 feet, the maximum building height shall be increased to 270 feet. All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20th Street, West 21st Street or West 22nd Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# bounding Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing# pursuant to Section 131-321, no more than two towers shall be permitted on any #zoning lot#, and such second tower shall be located within 25 feet of Ocean Way. However, on Parcel E, any #development# may include two towers, and, for #developments# that provide #low income housing# pursuant to Section 131-321, a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

131-44**Coney North Subdistrict**

The regulations of this Section 131-44 shall apply to all #buildings or other structures# in the Coney North Subdistrict. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights) illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum building height provisions of this Section 131-44, inclusive

131-441**Coney North, Surf Avenue**

The regulations of this Section 131-441 shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) Street wall location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except as follows:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without set back from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such set back area is not greater than 40 percent of the width of the #street wall# of the tower and provided such set back area complies with the provisions of Section 131-435.

(b) Building base regulations

The #street wall# of a building base of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 65 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to at least a height of 80 feet, but not more than 85 feet. However, on the blockfront bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed a height of 85 feet shall be set back from the #street line# at least ten feet, and comply with the tower provisions of Section 131-435.

131-442

Along all other Streets, other than Stillwell Avenue

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

(a) Street wall location

The #street wall# of a building base of a #development# or #enlargement# or portion thereof beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be recessed ten feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower above. Any area between the #street wall# of a #building# and the #street line# shall be planted, except for entrances to #buildings#, where the ground floor level is occupied by #residential use#.

(b) Building base regulations

The #street wall# of a building base of a #development# or #enlargement# or portion thereof located beyond 100 feet of Surf Avenue shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#.

All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such set back distance may include the depth of any permitted recesses.

However, on #blocks# bounded by West 15th Street and West 20th Street, within 40 feet of the boundary of a C2-4 District mapped within an R7A District, no #building or other structure# shall exceed a height of 23 feet, except that, for such #zoning lots# with less than 50 feet of frontage along a #street#, or, for #through lots#, less than 50 feet of frontage along each #street#, the maximum height of a #building or other structure# before setback shall be six stories or 65 feet, whichever is less.

131-443

Stillwell and Mermaid Avenues

Within 100 feet of Stillwell and Mermaid Avenues, except within 100 feet of Surf Avenue, all portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that the #street wall# of a #building# shall be located on the #street line# and rise without setback to a

minimum height of 40 feet or the height of the #building#, whichever is less, except as follows:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-444

Coney North Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a ‘tower’ and shall comply with the provisions of this Section 131-444.

- (a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

- (b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet, and beyond 175 feet of Surf Avenue, the maximum height of a #building# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet. For #developments# that provide #lower income housing# pursuant to Section 131-321, and where no side of such rectangle exceeds a length of 100 feet, the maximum building height shall be increased to 270 feet. All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

- (c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing# pursuant to Section 131-321, a second tower shall be permitted anywhere on the #zoning lot# that is entirely beyond 175 feet of Surf Avenue

and ten feet from any other #street#. All towers shall be located at least ten feet from a #side lot line#.

131-45

Mermaid Avenue Subdistrict

All portions of a #building# or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, except as follows:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-46

Tower Top Articulation

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

- (a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Three setbacks facing ocean

The upper #stories# shall provide setbacks with a minimum depth of 15 feet measured from the south facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story# shall be located entirely within the northern half of the tower.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least eighteen inches but not more than five feet from the remaining plane surface of the #street walls# enclosing #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

131-47**Design Requirements for Ground Level Setbacks**

Wherever a building base below a tower is set back from the #street line#, and the building walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section 131-47. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(a) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(b) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk

(c) Wall treatments

All ground floor level building walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-14 shall comply with the following provisions:

- (1) If such building wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-14 (Transparency).
- (2) All other building walls shall comply with one of the following provisions:
 - (i) Such building walls shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 50 percent of the area of each such ground floor level building wall, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, or
 - (ii) Such building walls shall be articulated with artwork or landscaping to a height of at least ten feet

(d) Building entrances

A public entrance to a #building# shall front upon such setback area

(e) Landscaping

A minimum of 20 percent of such setback area shall be planted with at least evergreen ground cover or shrubs in planting beds with a minimum of six inches in height and a maximum height of four feet. Such planting beds may not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

- (f) For setback areas of 500 square feet or more, the following additional amenities shall be provided:
 - (1) An additional public entrance to the #building# shall front upon such setback area, and
 - (2) A minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

131-48

Street Trees

The provisions of Section 33-03 (Street Tree Planting in Commercial Districts) shall not apply in the Coney East Subdistrict.

**131-50
OFF-STREET PARKING AND LOADING REGULATIONS**

The provisions of this Section shall apply to all off-#street# parking spaces and loading facilities within the #Special Coney Island District#.

**131-51
Amount of Required and Permitted Parking**

(a) Residential and Community Facility Parking

The underlying regulations shall apply except that the provisions of Section 36-331 are modified to require off-#street# parking spaces for at least 60 percent of all new #dwelling units#.

(b) Commercial Parking

The underlying regulations shall apply except as modified below:

- (1) For Use Group A #use#: one off-#street# parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for water park, two off-#street# parking spaces per 1,000 square feet of #floor area# shall be provided.
- (2) For #transient hotels#: one off-#street# parking space shall be provided for every six guest rooms or suites.

**131-52
Use and Location of Parking Facilities**

The following provisions shall apply to all parking facilities:

- (a) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a residence to which it is accessory within 30 days after written request therefore is made to the landlord.
- (b) The off-site spaces provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:
 - (1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by the Riegelmann Boardwalk, on the west by West 27th Street and on the north by

Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.

- (2) In the Coney West Subdistrict, such spaces #accessory# to Parcel A or B are located anywhere on such parcels ; such spaces #accessory# to Parcel C or D are located anywhere on such parcels; and such spaces #accessory# to Parcels E or F are located anywhere on such parcels.
 - (3) In the Coney North and Mermaid Avenue Subdistricts, such spaces are located anywhere on the same #block#.
- (c) All off-#street# parking facilities shall be located within facilities that, except for entrances and exits, are:
- (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
 - (2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall# of the #building# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas. All such parking facilities shall be exempt from the definition of #floor area#.

However, in the Coney East Subdistrict, the provisions of this paragraph (2) need not apply on the north side of Surf Avenue, on Parcel 2 beyond 70 feet of the Riegelmann Boardwalk, or on the east side of that portion of West 16th Street beyond 50 feet of Surf Avenue and Wonder Wheel Way, provided that:

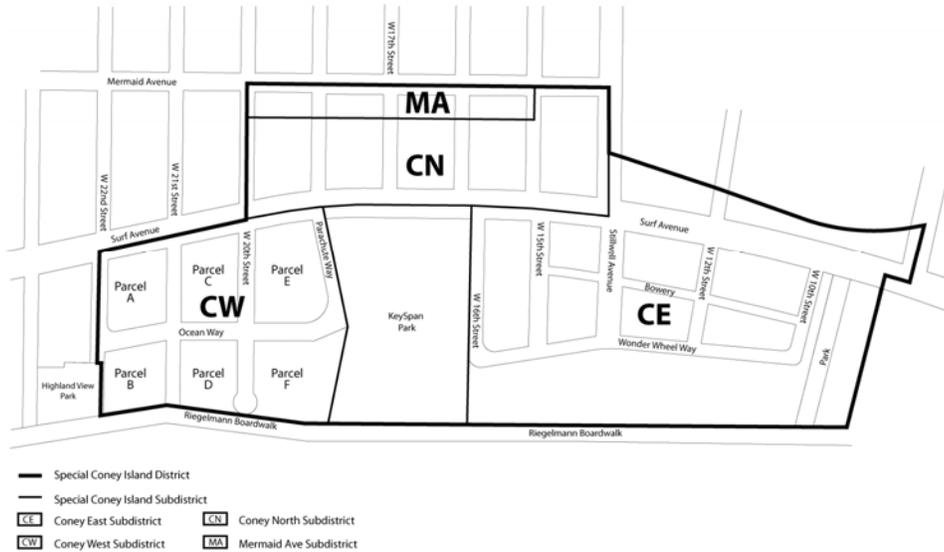
- (i) any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view;
 - (ii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
 - (iii) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.
- (d) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of

the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

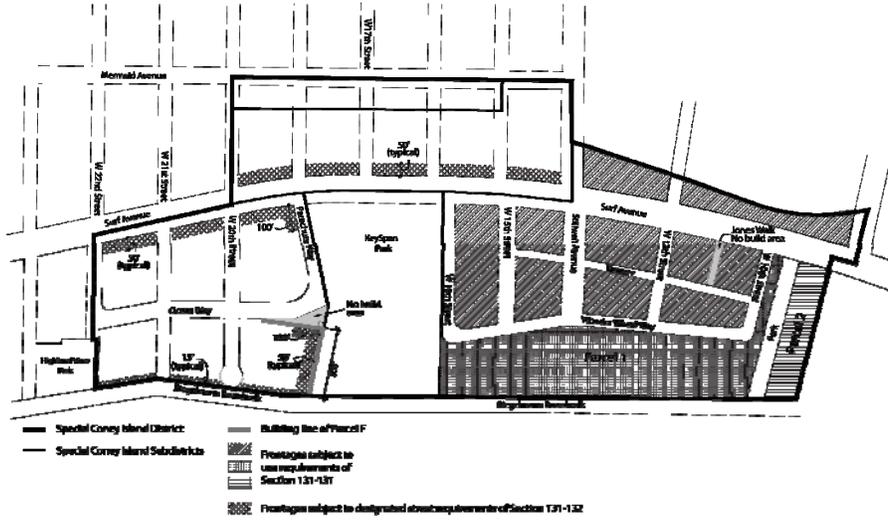
**131-53
Curb Cuts**

No curb cuts shall be permitted on Surf Avenue, Wonder Way or New Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-58 shall apply to all #developments# and #enlargements#.

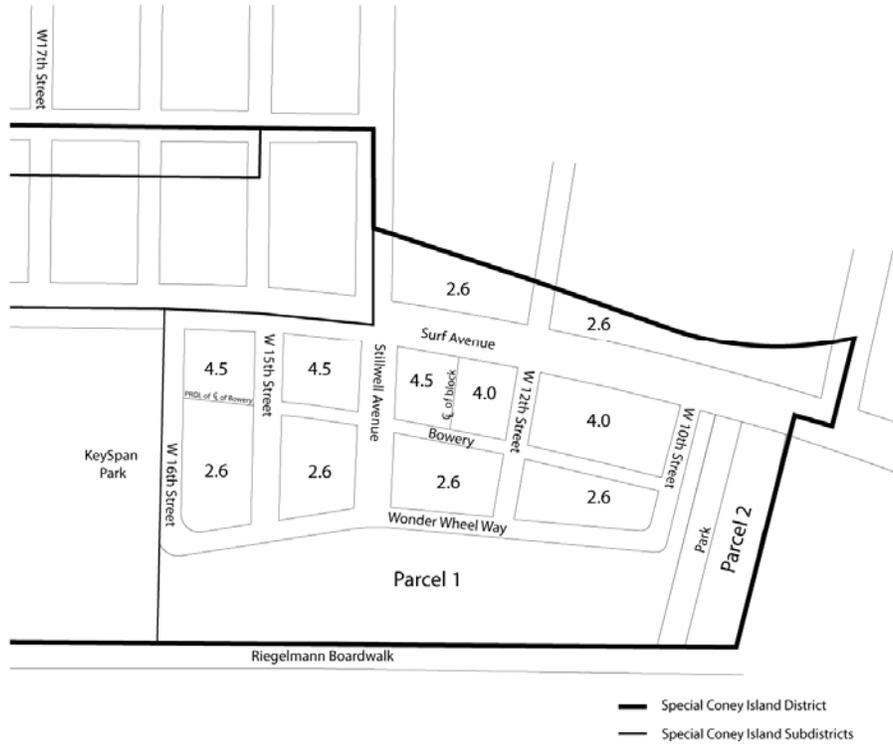
Map 1: Special Coney Island District and Subdistricts



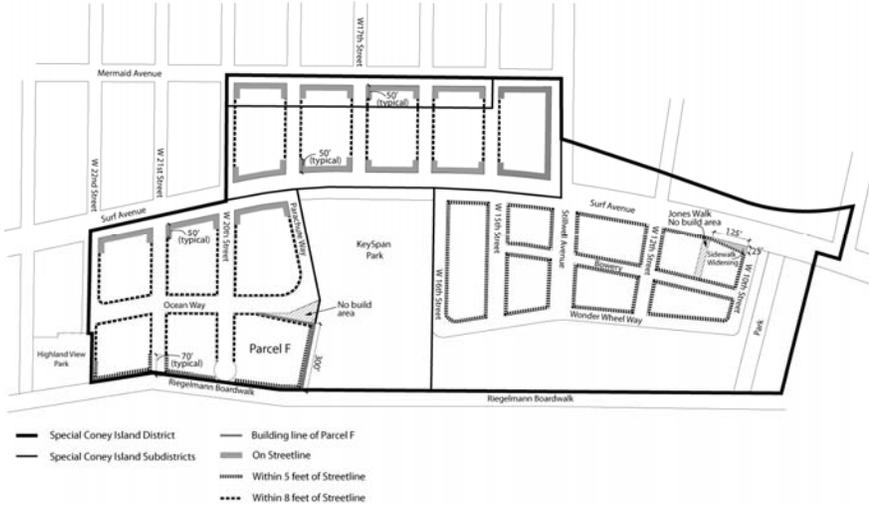
Map 2: Mandatory Ground Floor Use Requirements



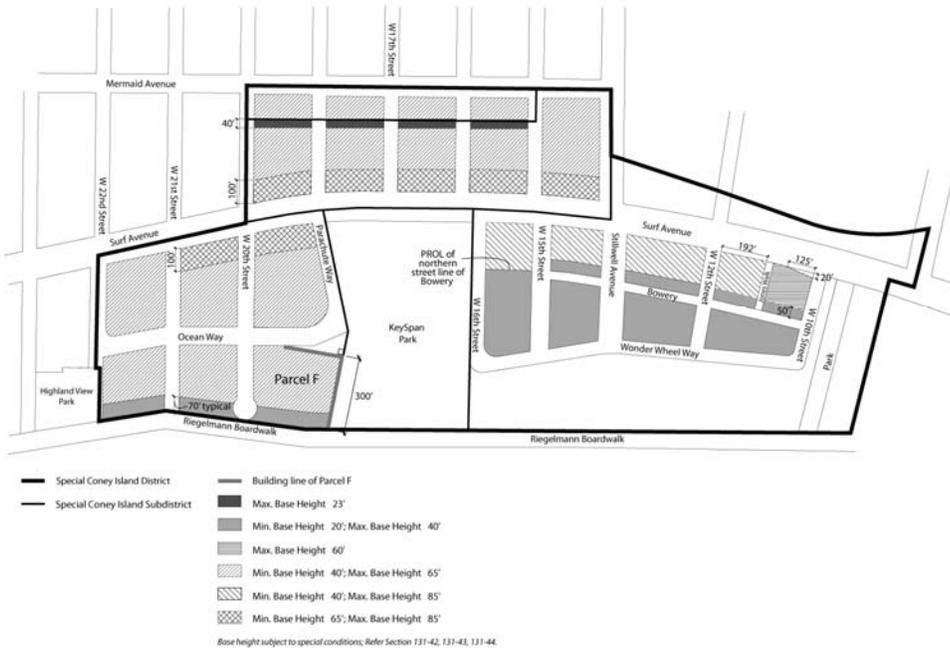
Map 3: Coney East Subdistrict Floor Area Ratios



Map 4: Street Wall Location



Map 5: Minimum and Maximum Base Heights



Map 6: Coney West Subdistrict Transition Heights



Resolution for adoption scheduling May 6, 2009 for a public hearing.

No. 6

CD 13

N 090273(A) ZRK

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c) (1) on the Uniform Land Use Review Procedure for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1), in Community District 13, Borough of Brooklyn.

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution

**11-12
Establishment of Districts**

* * *
Establishment of the Special Clinton District

* * *

Establishment of the Special Coney Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 1, the #Special Coney Island District# is hereby established.

Establishment of the Special Coney Island Mixed Use District

* * *

**12-10
Definitions**

* * *

Special Coney Island District

The #Special Coney Island District# is a Special Purpose District designated by the letters "CI" in which special regulations set forth in Article XIII, Chapter 1, apply. The #Special Coney Island District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed.

**14-44
Special Zoning Districts Where Certain Sidewalk Cafes are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Brooklyn		
Bay Ridge District	Yes	Yes
<u>Coney Island District</u>	<u>No</u>	<u>Yes</u>
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Mixed Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District*	Yes	Yes
Sheepshead Bay District	No	Yes

* #Sidewalk cafes# are not allowed on Ocean Parkway

* * *

**Chapter 5
Residential Conversion of Existing Non-Residential Buildings**

* * *

**15-011
Applicability within Special Districts**

* * *

The provisions of this Chapter shall apply in the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District).

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

* * *

ALL TEXT IN ARTICLE XIII, CHAPTER 1 IS NEW**131-00
GENERAL PURPOSES**

The #Special Coney Island District# established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) preserve, protect and enhance the character of the existing amusement district as the location of the city's foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (b) facilitate and guide the development of a year-round amusement, entertainment and hotel district;
- (c) facilitate and guide the development of a residential and retail district;
- (d) provide a transition to the neighboring areas to the north and west;
- (e) provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
- (f) control the impact of development on the access of light and air to streets, the Boardwalk and parks in the district and surrounding neighborhood;
- (g) promote development in accordance with the area's District Plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

**131-01
General Provisions**

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

**131-02
District Plan and Maps**

The District Plan for the #Special Coney Island District# identifies specific areas comprising the Special District in which special zoning regulations are established in order

to carry out the general purposes of the #Special Coney Island District#. The District Plan includes the following maps in the Appendix of this Chapter.

Map 1	Special Coney Island District and Subdistricts
Map 2	Mandatory Ground Floor Use Requirements
Map 3	Coney East Subdistrict Floor Area Ratios
Map 4	Street Wall Location
Map 5	Minimum and Maximum Base Heights
Map 6	Coney West Subdistrict Transition Heights

131-03 Subdistricts

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established as follows:

Coney East Subdistrict
Coney West Subdistrict
Coney North Subdistrict
Mermaid Avenue Subdistrict.

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix of this Chapter.

131-04 Applicability

131-041 Applicability of Article I, Chapter 1

Within the #Special Coney Island District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

131-042

Applicability of Article 1, Chapter 5

The provisions of Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), shall apply in the #Special Coney Island District#, as modified in this Section. The conversion to #dwelling units#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 Minor Modifications), paragraph (b). Uses in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

131-043

Applicability of Article 7, Chapter 4

The provisions of Section 74-513 (In C7 Districts) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted; #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-044

Physical Culture Establishments

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North or Coney West Subdistricts. In lieu thereof, physical culture establishments shall be allowed as-of-right.

131-045

Modification of use and bulk regulations for zoning lots fronting upon the Riegelmann Boardwalk, Keyspan Park and Highland View Park

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of the Riegelmann Boardwalk, Keyspan Park or Highland View Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

131-10

SPECIAL USE REGULATIONS

The special #use# regulations set forth in this Section, inclusive, shall modify the underlying Commercial Districts, as applicable.

For the purposes of this Chapter, “ground floor level” shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open area.

131-11
Use Group 5

For the purposes of this Chapter, the definition of #transient hotels# shall be modified as set forth in this Section, and such #transient hotels# shall be permitted only in specified locations

A #transient hotel# is a #building# or part of a #building# in which:

- (a) all units containing living or sleeping accommodations are used exclusively for “transient occupancy,” where such occupancy:
 - (1) does not exceed any period of 29 consecutive days or a total of 60 days in a calendar year; or
 - (2) is the result of a referral by a government agency to provide temporary accommodations.
- (b) each such unit is available each day for rent, unless rented, except for periods of maintenance and repair;
- (c) all such units are fully furnished by the hotel operator;
- (d) one or more common entrances serve all such units;
- (e) there is a uniform key entry system, administered by management or hotel staff, to receive and disburse keys for each room; and
- (f) twenty-four hour desk service, housekeeping services and the furnishing and laundering of linens are provided.

A central rubbish chute shall be accessible only to hotel staff. Restaurants, cocktail lounges, public banquet halls, ballrooms and meeting rooms shall be considered #accessory uses# provided such #uses# are accessible to all occupants of the #transient hotel# and their guests from a common area of the #transient hotel#.

13-12
Use Groups A, B and C

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

131-121
Use Group A: Amusements

Use Group A consists of a group of #uses# selected from Use Groups 12, 13 and 15 as modified in this Section, and may be open or enclosed:

- (1) Amusement arcades
 - Amusement parks, with no limitation on floor area per establishment
 - Animal exhibits, circuses, carnivals or fairs of a temporary nature
 - Camps, overnight or day, commercial beaches or swimming pools
 - Dark rides, electronic or computer-supported games including interactive entertainment facilities, laser tag and motion simulators
 - Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry-go-rounds or similar midway attractions
 - Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions
 - Miniature golf courses and model car hobby centers, including racing
 - Open booths with games of skill or chance, including shooting galleries
 - Water parks

 - (2) Arenas or auditoriums, with capacity limited to 2,000 seats
 - Billiard parlors or pool halls, bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment
 - Gymnasiums or recreational sports facilities including but not limited to indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements
 - Skateboard parks, roller or ice skating rinks
 - Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet except that on #corner lots# one #street# frontage may extend up to 100 feet
- #Accessory uses# to the amusements listed above, including the display and sale of goods or services, provided:

- (h) such #accessory uses# are limited to not more than 25 percent of the #floor area# of the amusement establishment or, for open #uses#, not more than 25 percent of the #lot area#;
- (i) such #accessory uses# shall be entered only through the principal amusement establishment;
- (j) such #accessory uses# shall share common cash registers with the principal amusement #use#;
- (k) such #accessory uses# shall have the same hours of operation as the principal amusement #use#; and
- (l) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building# or, for open #uses#, at least 30 feet from the #street line#.

131-122

Use Group B: Amusement and entertainment- enhancing uses

Use Group B consists of a group of #uses# selected from Use Groups 6, 9, 12, 13 and 18, as modified in this Section:

Art gallery, commercial

Banquet halls

Breweries

Eating or drinking establishments of any size, including those with entertainment or dancing

Historical exhibits

Spas and bathhouses

Studios, art, music, dancing or theatrical

Tattoo parlors

Radio or television studios

Wedding chapels

131-123

Use Group C: Retail and service uses

Use Group C consists of a group of retail and service #uses# selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving

Bicycle sales, rental or repair shops

Bookstores

Candy or ice cream stores

Clothing or clothing accessory

Clothing, custom manufacturing or altering for retail including costume production and hair product manufacturing

Delicatessen stores

Fishing tackle or equipment, rental or sales

Gift shops

Jewelry manufacturing from precious metals

Musical instruments store

Toy stores

Music stores

Newsstands

Patio or beach furniture or equipment

Photographic equipment stores and studios

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving

131-13**Special Use Regulations in Subdistricts**

**131-131
Coney East Subdistrict**

The #use# regulations of the underlying C7 District are modified as set forth in this Section. #Transient hotels# land Use Groups A, B and C, as set forth in Sections 131-11 through 131-12-, inclusive, and #public parking garages# shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

(a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

(b) Bowery and Wonder Wheel Way

At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

The Surf Avenue frontage of any ground floor level establishment shall not exceed a #street wall# width of 60 feet. However, an establishment may exceed a #street wall# width of 60 feet where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such additional width is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) #Transient hotels#

- (1) #Transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th Street and West 16th Street south of the prolongation of the centerline of Bowery;.
- (2) #Transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.
- (3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.

- (4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.
 - (6) #accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.
- (e) Parcel 1
- On Parcel 1 as shown on Map 2, only #uses# listed in Use Group A shall be permitted.
- (f) Parcel 2
- On Parcel 2 as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).

131-132

Coney North and Coney West Subdistricts

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply except as modified in this Section for #uses# fronting upon designated #streets#, as shown on Map 2 (Mandatory Ground Floor Use Requirements). For the purposes of this Section, the “building line” shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as applicable.

- (c) Mandatory ground floor level use along designated #streets#
- Any #use# listed in Use Groups A, B and C, as set forth in Sections 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of the Riegelmann Boardwalk and within 100 feet of all other designated streets, as shown on Map 2.
- (1) Riegelmann Boardwalk
- Only #uses# listed in Use Groups A, B and C and #transient hotels# located above the ground floor level are permitted within 70 feet of the Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of frontage along the Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#.

(2) Designated #streets# other than Riegelmann Boardwalk

At least 20 percent of the designated #street# frontage of a #building# shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining designated #street# frontage of such #buildings# shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted, #transient hotels#. All such #uses# shall be located in establishments with not more than 60 feet of designated #street# frontage, except that for any such establishment on a corner of two designated #streets#, one frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a designated #street#, and the minimum 50 foot depth requirement for #commercial uses# may be reduced where necessary in order to accommodate a #residential# lobby and vertical circulation core.

(b) Prohibited ground floor level #uses# along designated #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a designated #street# on the ground floor level of a #building#. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:
All #uses#.

From Use Groups 3A and 3B:
All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:
All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:
All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street.

From Use Groups 6B, and 6E
Offices, veterinary medicine offices or non-commercial clubs.

From Use Group 6C
Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue.

Electrolysis studios, frozen food lockers and loan offices.

From Use Group 6D:
All #uses#.

From Use Group 7:
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:
All #uses#.

From Use Groups 9A, 9B and 9C:
All #uses#, except for gymnasiums, public auction rooms, photographic
developing or printing establishments for the consumer, or art, music,
dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:
All #uses#.

Use Groups 12A and 12B:
Trade expositions.

Use Groups 12C and 12D:
All #uses#.

Use Group 14A and 14B:
All #uses#, except for bicycle sales, rental or repair shops.

131-14

Location of Uses within Buildings

The provisions of Section 32-42 (Location within Buildings) are modified to permit:

- (a) #residential uses# on the same #story# as a non-#residential use# or directly below a non-#residential use#, provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and

- (b) in the Coney North and Coney West Subdistricts, any #commercial use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#.

131-15

Transparency

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

However, in the Coney East Subdistrict and along the Riegelmann Boardwalk and boundary of Keyspan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section, at least 70 percent of the area of the ground floor level #street wall# of a #commercial use#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 70 percent open during seasonal business hours.

131-16

Security Gates

All security gates installed after (effective date of amendment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#. However, this provision shall not apply to entrances or exits to parking garages, or to any #use# fronting upon the Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.

131-17

Authorization for Use Modifications

Along designated #streets# other than the Riegelmann Boardwalk, as shown on Map 2, the City Planning Commission may authorize Use Group A, B or C establishments with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

131-20

SIGN REGULATIONS

- (a) In the Coney East Subdistrict, the underlying C7 #sign# regulations shall apply, except that:
 - (3) no #advertising signs# shall be permitted above a height of 40 feet; and
 - (4) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and 32-67 (Special Provisions Applying along District Boundaries) shall not apply.
- (b) In the Coney North and Coney West Subdistricts, the underlying C2-4 #sign# regulations shall apply, except that the height restrictions of Section 32-655 shall be modified to allow permitted #signs# at the level of any #story# occupied by a #commercial use#.

131-30**FLOOR AREA REGULATIONS**

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section, inclusive.

131-31**Coney East Subdistrict**

The maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block# or portion thereof, as shown on Map 3 (Coney East Subdistrict Floor Area Ratios). On Parcel 1, as shown on Map 3, the maximum #floor area ratio# for a Use Group A amusement #use# shall be 2.0 and the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

131-32**Coney West, Coney North and Mermaid Avenue Subdistricts****131-321****Special floor area regulations for residential uses****R7A R7D R7X**

- (b) Applicability of Inclusionary Housing Program

R7A, R7D and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10

(DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (Inclusionary Housing Program), inclusive, applicable as modified within the Special District.

(b) Maximum #floor area ratio#

The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the following table. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in the table through the provision of #lower income housing#, pursuant to the provisions for #Inclusionary Housing designated area#, as set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

Subdistrict Zoning District	Base #floor area ratio#	Maximum #floor area ratio#
Coney West Parcels: A, B, C, D R7D	4.35	5.8
Coney West Parcels: E, FR7D	4.12	5.5
Coney North R7X	3.75	5.0
Mermaid Avenue R7A	3.45	4.6

TABLE FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

(c) Coney West floor area distribution rules

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, may be distributed anywhere within such sets of parcels:

- Parcels A and B
- Parcels C and D
- Parcels E and F.

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of paragraph (b) of Section

23-942 shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

131-322

Special floor area regulations for community facility uses

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

131-323

Special floor area ratio regulations for hotel uses

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, the maximum permitted #floor area ratio# shall be 3.75.

131-324

Lot coverage

For #residential uses#, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

131-40

HEIGHT AND SETBACK REGULATIONS

The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this Section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

131-41

Rooftop Regulations

(a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#.

and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

(b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

131-42

Coney East Subdistrict

The regulations of this Section, inclusive, shall apply to all #buildings or other structures# in the Coney East Subdistrict. For the purposes of applying the height and setback regulations of this Section, Jones Walk shall not be considered a #street#. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section 131-42, inclusive.

131-421

Coney East Subdistrict, south side of Surf Avenue

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of a #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10th Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10th Street to a point on the West 10th Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;

- (2) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (3) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;
- (4) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower, and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

- (1) Surf Avenue , west of West 12th Street

West of West 12th Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. If a tower is provided, in accordance with requirements of paragraph (d) of this Section, the maximum base height shall be 65 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback shall be required, pursuant to the provisions set forth in paragraph (c) of this Section.

For #developments# or #enlargements# located West of West 12 Street that, provide a tower in accordance with the requirements of paragraph (d) of this Section, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 45 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 60 feet but not more than 65 feet. Furthermore, any portion of a #street wall# which exceeds a height of 60 feet shall be located within 150 feet of the intersection of two #street lines# and shall coincide with the location of a tower. Towers shall comply with location requirements of paragraphs (d) of this Section.

- (2) Surf Avenue, east of West 12th Street

East of West 12th Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback is required that shall comply with the provisions set forth in paragraph (d) of this Section.

For the base of any #building# located on the south side of Surf Avenue, above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

(c) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (b) of this Section, shall be set back from the #street line# at least 20 feet except that where towers are provided, the minimum setback depth from the #street line# shall be 10 feet.

(1) East of West 12th Street

The maximum transition height shall be 65 feet, and all portions of #buildings# that exceed such height shall comply with the tower provisions of paragraph (d) of this Section, except that within 100 feet of Jones Walk on the easterly side, the maximum building height after the required setbacks shall be 85 feet.

(2) West of West 12th Street

All portions of a #building# that exceed the maximum base height as set forth in paragraph (b) (1) of this Section shall comply with the tower provisions of paragraph (d) of this Section.

(3) Special Regulations for Use Group A

The transition height regulations of paragraphs (c) (1) and (c) (2) of this Section shall not apply to #buildings# that rise to a maximum height of 85 feet to accommodate a Use Group A #use#; or to #buildings# where the Chairperson of the City Planning Department certifies to the Department of Buildings that additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 65 feet shall be considered a "tower" and shall comply with the provisions of this paragraph.

(4) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(5) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

The maximum height of a #building# located between West 12th Street and Jones Walk shall be 150 feet between West 12th Street and Jones Walk. The maximum height of a #building# located between West 12th Street and West 16th Street on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet; on #zoning lots# with 50,000 square feet or more of #lot area#, the maximum height of a #building# shall be 270 feet. All towers that exceed a height of 150 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(6) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

131-422

Coney East Subdistrict, north side of Surf Avenue

Any #building or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

131-423

Along all other streets

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets# and portions thereof located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of the #development# or #enlargement#, or portion thereof, shall be located within five feet of the #street line#.

(b) Maximum building height

The #street wall# of a #development# or #enlargement#, or portion thereof, shall rise to a minimum height of 20 feet and a maximum height of 40 feet before setback. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet.

West of West 12th Street, along the northern #street line# of Bowery, the maximum #building# height shall be 40 feet. If a tower is provided along the Surf Avenue portion of the #block#, 40 percent of the #aggregate width of street walls# may rise above the maximum #street wall# height of 40 feet, and such portion of the #aggregate width of street walls# shall be located within 150 feet of the intersection of two #street lines# and shall coincide with that portion of the #street wall# along Surf Avenue that rises to a height of between 60 to 65 feet, pursuant to the provisions of paragraph (b)(1) of Section 131-421. However, where the portion of the #block# that fronts on Surf Avenue is #developed# or #enlarged# pursuant to the special regulations for Use Group A, in paragraph (c)(3) of Section 131-421 (Coney East Subdistrict, south side of Surf Avenue), the #street wall may rise after a setback of 20 feet to a maximum height of 60 feet for the entire length of the Bowery #street line#, or may extend beyond the 40 percent of the #aggregate width of #street wall# for the length of the #street wall# of such Use Group A #development# or #enlargement# which fronts along Surf Avenue, whichever is less.

Furthermore, a #building# that exceeds a height of 60 feet shall be permitted where the Chairperson of the City Planning Department certifies to the Department of Buildings that such additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

131-43

Coney West Subdistrict

The regulations of this Section shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section, inclusive. For the purposes of this Section, the “building line” shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

131-431

Coney West District, Surf Avenue

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

The #street wall# of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of six #stories# or 65 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least eight #stories# or 80 feet, whichever is less. However, on the blockfront bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed the maximum heights set forth in this paragraph, (b), shall be set back from the #street line# at least ten feet.

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Towers).

131-432

Along all other Streets, other than the Riegelmann Boardwalk

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of the Riegelmann Boardwalk.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower. For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line#, except for entrances, shall be planted.

(b) Building base

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#. All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that:

- (1) above the maximum base height, up to 60 percent of the #aggregate width of street walls# facing Ocean Way, and along all other #streets#, other than the Riegelmann Boardwalk, shall be set back a minimum distance of 10 feet from the #street line#. The remaining portion of such #aggregate width of street walls# facing Ocean Way, and along all other #streets# other than the Riegelmann Boardwalk, shall be set back a minimum distance of 15 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), the remaining portion of such #aggregate width of street walls# shall remain open to the sky for a minimum depth of 100 feet from the #street line#;
- (2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6 in the Appendix to this Chapter;
- (3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of the Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least ten feet, measured from the south facing wall of the #story# directly below.

A #building# may exceed such transition heights only in accordance with the tower provisions of Section 131-434.

**131-433
Riegelmann Boardwalk**

The #street wall# of the #development# or #enlargement# shall be located on the Riegelman Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet. Any #building or other structure# within 70 feet of the Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of the Riegelmann Boardwalk.

**131-434
Coney West District towers**

All #stories# of a #development# or #enlargement# located partially or wholly above an applicable transition height shall be considered a “tower” and shall comply with the provisions of this Section.

- (b) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(d) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet, and on #blocks# bounding the southerly #street line# of Ocean Way, the maximum #building# height shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

For #developments# that provide #lower income housing# pursuant to Section 131-321 (Special residential floor area regulations), the maximum height of a #building# shall be increased to 270 feet, provided that the tower complies with either paragraph (b) (1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 100 feet; or
- (2) The outermost wall of all tower #stories# below a height of 120 feet shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(e) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20th Street, West 21st Street or West 22nd Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# bounding Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing# pursuant to Section 131-321, no more than two towers shall be permitted on any #zoning lot#, and the second tower shall be located within 25 feet of Ocean Way. However, on Parcel E, any #development# may include two towers and, for #developments# that provide #low income housing# pursuant to Section 131-321, a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

131-44
Coney North Subdistrict

The regulations of this Section shall apply to all #buildings or other structures# in the Coney North Subdistrict. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum building height provisions of this Section, inclusive.

131-441
Coney North Subdistrict, Surf Avenue

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

The #street wall# of a building base of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing

Surf Avenue shall exceed a height of 65 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 80 feet, but not more than 85 feet. However, on the blockfront bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided, as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed a height of 85 feet shall be set back from the #street line# at least ten feet, and comply with the tower provisions of Section 131-444 (Coney North Towers).

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-444 (Coney North Towers).

131-442

Along all other Streets, other than Stillwell Avenue

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be recessed ten feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower. For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line#, except for entrances, shall be planted.

(b) Building base

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#.

All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such setback distance may include the depth of any permitted recesses.

However, on #blocks# bounded by West 15th Street and West 20th Street, within 40 feet of the boundary of a C2-4 District mapped within a R7A District, no #building or other structure# shall exceed a height of 23 feet, except that, for #zoning lots# with less than 50 feet of frontage along a #street# or, for #through lots# with less than 50 feet of frontage along each #street#, the maximum height of a #building or other structure# before setback shall be six stories or 65 feet, whichever is less.

(c) Transition height

In all portions of #blocks# located beyond 100 feet but not further than 170 feet from Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 85 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

131-443 Stillwell and Mermaid Avenues

Within 100 feet of Stillwell and Mermaid Avenues, except within 100 feet of Surf Avenue, all portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, except as follows:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-444

Coney North Subdistrict towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a ‘tower’ and shall comply with the provisions of this Section 131-444.

- (a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

- (b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet and beyond 175 feet of Surf Avenue the maximum height of a #building# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle and no side of such rectangle shall exceed a length of 165 feet.

For #developments# that provide #lower income housing# pursuant to Section 131-321 (Special residential floor area regulations), the maximum height of a #building# shall be increased to 270 feet, provided that the tower portion of such #building# complies with either paragraph (b)(1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or
- (2) The outermost wall of all tower #stories#, below a height of 120 feet, shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing#, pursuant to Section 131-321, a second tower shall be permitted anywhere on the #zoning lot# that is entirely beyond 175 feet of Surf Avenue and ten feet from any other #street#. All towers shall be located at least ten feet from a #side lot line#.

131-45

Mermaid Avenue Subdistrict

All portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within a R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, except that:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-46

Tower Top Articulation

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

(a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Three setbacks

Setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less. Such setbacks shall be located on either the north- facing or south-facing side of the #building#, but not both. Such setbacks shall have a minimum depth of 15 feet measured, as applicable, from the north or south-facing wall of the #story# immediately below. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story#, therefore, shall be located entirely within the northern or southern half of the tower, as applicable.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least eighteen inches but not more than five feet from the remaining plane surface of the #street walls# enclosing any #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

131-47

Design Requirements for Ground Level Setbacks

Wherever a building base below a tower is set back from the #street line#, and the building walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(d) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(e) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk.

(f) Wall treatments

All ground floor level building walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-15 shall comply with the provisions of either paragraphs (c)(1) or (c)(2) of this Section.

(1) If such building wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-15.

(2) All other building walls shall comply with one of the following provisions:

(i) Such building walls shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 50 percent of the area of each such ground floor level building wall, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher; or

(ii) Such building walls shall be articulated with artwork or landscaping to a height of at least ten feet.

(d) Building entrances

A public entrance to a #building# shall front upon such setback area.

(e) Landscaping

A minimum of 20 percent of such setback area shall be planted with, at a minimum, evergreen ground cover or shrubs in planting beds, with a minimum of six inches in height and a maximum height of four feet. Such planting beds may

not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

- (f) For setback areas of 500 square feet or more, there shall be the following additional amenities:
- (1) an additional public entrance to the #building# that fronts upon such setback area; and
 - (2) a minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

**131-48
Street Trees**

The provisions of Section 33-03 (Street Tree Planting in Commercial Districts) shall not apply in the Coney East Subdistrict.

**131-50
OFF-STREET PARKING AND LOADING REGULATIONS**

The provisions of this Section shall apply to all off-#street# parking spaces and loading facilities within the #Special Coney Island District#.

**131-51
Amount of Required and Permitted Parking**

- (d) Residential and Community Facility Parking

The underlying regulations shall apply, except that the provisions of Section 36-331 are modified to require off-#street# parking spaces for at least 60 percent of all new #dwelling units#.

- (e) Commercial parking

The underlying regulations shall apply, except as modified below:

- (1) For Use Group A #uses#:
 - one off-#street# parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for a

water park, two off-#street# parking spaces per 1,000 square feet of #floor area# shall be provided

- (2) For #transient hotels#:
one off-#street# parking space shall be provided for every six guest rooms or suites.

131-52

Use and Location of Parking Facilities

The following provisions shall apply to all parking facilities:

- (b) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a residence to which it is accessory within 30 days after written request therefore is made to the landlord.
- (b) The off-site parking space provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:
- (1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by the Riegelmann Boardwalk, on the west by West 27th Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.
- (2)
- In the Coney West Subdistrict, such parking spaces #accessory# to the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, shall be located anywhere on such sets of parcels:
- Parcels A and B
Parcels C and D
Parcels E and F.
- (3) In the Coney North and Mermaid Avenue Subdistricts, such spaces shall be located anywhere on the same #block#.
- (f) All off-#street# parking facilities shall be located within facilities that, except for entrances and exits, are:
- (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or

- (2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall# of the #building# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas. All such parking facilities shall be exempt from the definition of #floor area#.

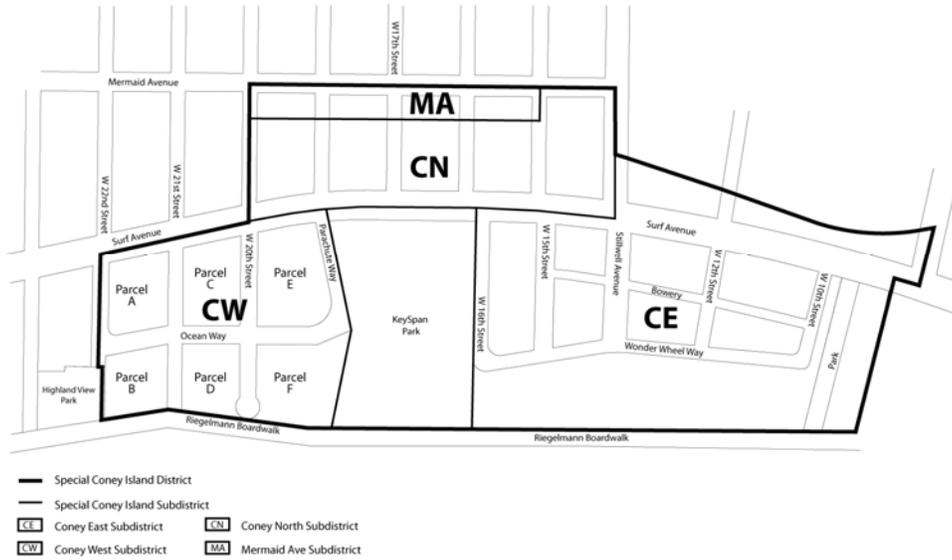
However, in the Coney East Subdistrict, the provisions of this paragraph (c)(2) need not apply on the north side of Surf Avenue, on Parcel 2 beyond 70 feet of the Riegelmann Boardwalk, or on the east side of that portion of West 16th Street beyond 50 feet of Surf Avenue and Wonder Wheel Way, provided that:

- (i) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
 - (ii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
 - (iii) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.
- (d) Any roof of a facility containing off-street parking spaces not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

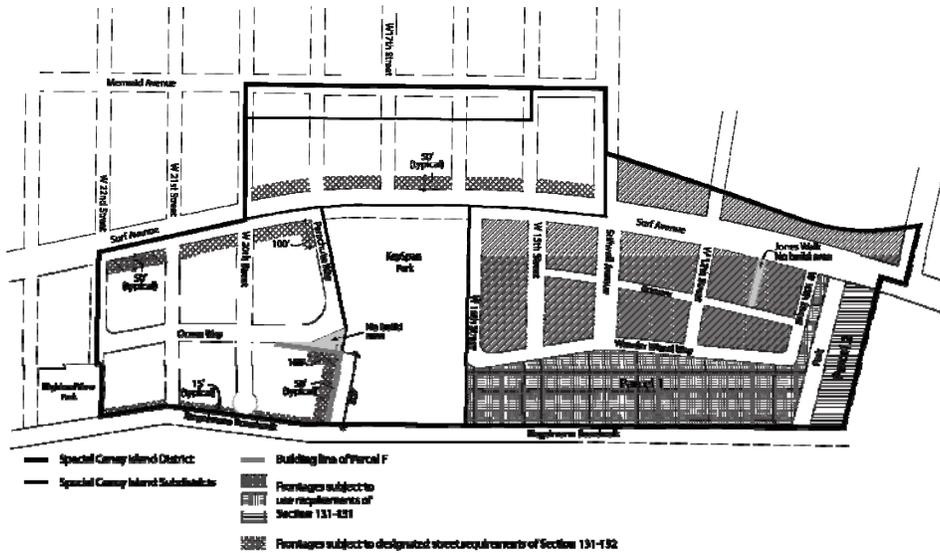
131-53 Curb Cuts

No curb cuts shall be permitted on Surf Avenue, Wonder Way or New Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-58 shall apply to all #developments# and #enlargements#.

Map 1: Special Coney Island District and Subdistricts



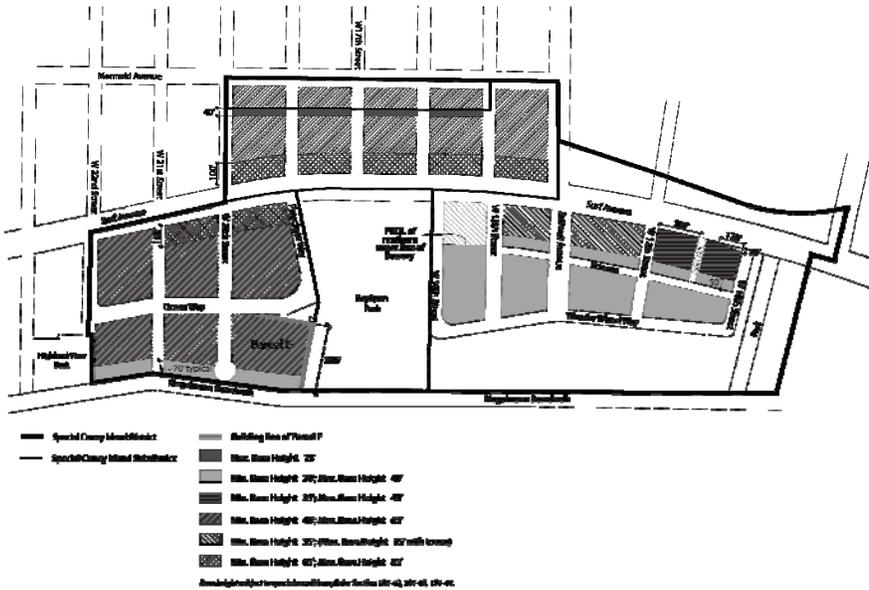
Map 2: Mandatory Ground Floor Use Requirements



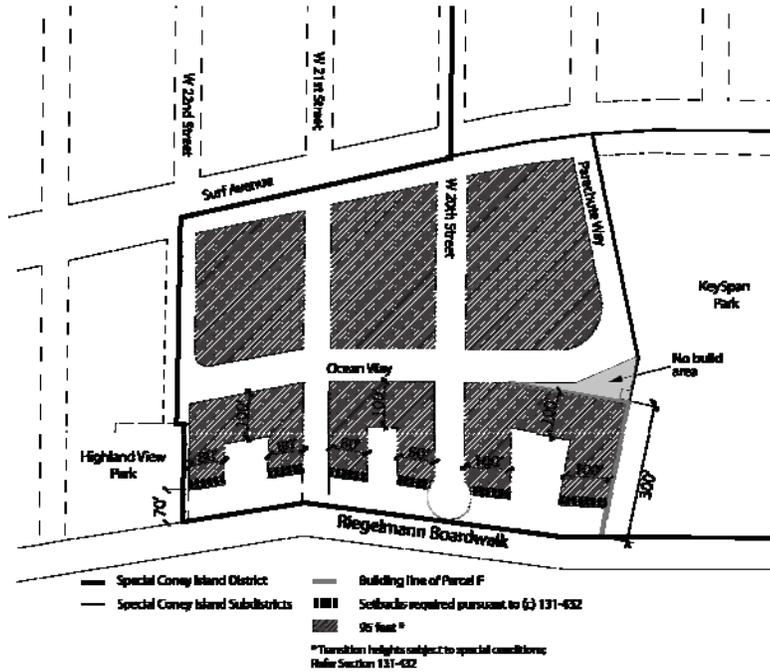
Map 4: Street Wall Location



Map 5: Minimum and Maximum Base Heights



Map 6: Coney West Subdistrict Transition Heights



Resolution for adoption scheduling May 6, 2009 for a public hearing.

No. 7

CD 13

C 090274 PQK

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at:

BLOCK	LOTS
7074	4, 6, p/o 23, 89, p/o 105, 250, 254, p/o 256, 300, p/o 310, 340, 348, and p/o 360
8694	1, 5, 11, 12, 14, 16, 18, 25, 30, 33, and 421
8695	61, 64, p/o 72, p/o 120, p/o 433
8696	35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, p/o 212

Resolution for adoption scheduling May 6, 2009 for a public hearing.

No. 8

CD 13

C 090275 PQK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at West 19th Street and Surf Avenue (Block 7060, Lots 19, 20, and 31).

Resolution for adoption scheduling May 6, 2009 for a public hearing.

No. 9

CD 13

C 090107 MMK

IN THE MATTER OF an application submitted by the Department of City Planning, Department of Parks and Recreation, and the New York City Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.*, of the New York City Administrative Code, for an amendment to the City Map involving:

- the establishment of new streets;
- the establishment of new parks and park additions;
- the modification and adjustment of grades of existing streets;
- the elimination, discontinuance and closing of portions of streets;
- the elimination of portions of parks;
- the delineation of easements and corridors;
- the extinguishment of record streets, all within an area generally bounded by West 8th Street, Surf Avenue, West 23rd Street, and the Public Beach;
- and any acquisition or disposition of real property related thereto,

in accordance with Map Nos. X-2710 and X-2711, dated January 14, 2000, and signed by the Borough President.

Resolution for adoption scheduling May 6, 2009 for a public hearing.

No. 10

CD 13

C 090276 HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
- a) the designation of property located at

<u>Block</u>	<u>Lot</u>	<u>Address</u>	
7060	1	1918 Mermaid Avenue	
7060	3	1920 Mermaid Avenue	
7060	4	1922 Mermaid Avenue	
7060	5	1924 Mermaid Avenue	
7060	7	1928 Mermaid Avenue	
7060	8	1930 Mermaid Avenue	
7060	9	1932 Mermaid Avenue	
7060	14	West 19 th Street	
7060	16	West 19 th Street	
7060	17	West 19 th Street	
7060	18	2924 West 19 th Street	
7060	19	2926 West 19 th Street	
7060	20	2930 West 19 th Street	
7060	21	2934 West 19 th Street	
7060	22	2936 West 19 th Street	
7060	24	1901 Surf Avenue	
7060	27	1905 Surf Avenue	
7060	31	2929A West 20 th Street	

7060	32	1917 Surf Avenue
7060	35	1923 Surf Avenue
7060	44	2923 West 20 th Street
7060	45	2921 West 20 th Street
7060	46	2919 West 20 th Street
7060	47	2917 West 20 th Street
7060	48	West 19 th Street
7060	49	West 19 th Street
7060	50	2938 West 19 th Street
7060	51	2938A West 19 th Street
7060	147	1924 West 20 th Street
7061	16	West 17 th Street
7061	21	2930 West 17 th Street
7061	39	West 19 th Street
7061	40	West 19 th Street
7061	41	West 19 th Street
7061	42	West 19 th Street
7061	43	2921 West 19 th Street

as an Urban Development Action Area; and

b) an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate residential and commercial development within Coney Island.

Resolution for adoption scheduling May 6, 2009 for a public hearing.

No. 11**CD 13****C 090277 PPK**

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property pursuant to zoning, located at:

A:

BLOCK	LOTS
7074	1, 4,6, p/o 20; p/o 23, 89, p/o 105, 170, p/o190
7074	250, 254; p/o 256, 300, p/o 310, 340, 348, p/o 360
8694	1, 5, 11, 12,14, 16, 18, 25, 30, 33, 421
8695	61, 64; p/o 72, p/o 120, p/o 433
8696	35, 37, 44, 47, 48, 49, 50, 53; p/o 70, p/o 140, p/o 145, 211, p/o 212

B: Block 7071, Lot 142

Resolution for adoption scheduling May 6, 2009 for a public hearing.

NOTICE

On Wednesday, May 6, 2009, at 9:30 a.m., at the New York City College of Technology, in the Klitgord Auditorium, 285 Jay Street, Brooklyn, New York a public hearing is being held by the Office of the Deputy Mayor for Economic Development and Rebuilding in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning applications for amendments to the City Map, the Zoning Map, the Zoning Resolution, acquisition of property and the designation of property as an Urban Development Action Area and project, and for the disposition of property to facilitate the Coney Island Plan.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 08DME007K.

II. REPORTS

BOROUGH OF THE BRONX

No. 12

CARL C. ICHAN CHARTER SCHOOL PLAYGROUND

CD 3

C 090228 HAX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 404 Claremont Parkway (Block 2896, Lot 96), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate an expansion of the playground for the Carl C. Icahn Charter School.

(On March 4, 2009, Cal. 1, the Commission scheduled March 18, 2009 for a public hearing. On March 18, 2009, Cal. No. 16, the hearing was closed. On April 1, 2009, Cal. No. 6, the item was laid over.)

For consideration.

BOROUGH OF BROOKLYN

Nos. 13, 14 & 15

DOCK STREET-DUMBO DEVELOPMENT

No. 13

CD 2

C 090181 ZMK

IN THE MATTER OF an application submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M1-2 District to an M1-2/R8 District property bounded by Water Street, a line 230' westerly of Main Street, Front Street, and Dock Street; and
2. establishing a Special Mixed Use District (MX-2) bounded by Water Street, a line 230' westerly of Main Street, Front Street and Dock Street;

as shown on a diagram (for illustrative purposes only) dated November 17, 2008.

(On February 18, 2009, Cal. No. 12, the Commission scheduled March 4, 2009 for a public hearing. On March 4, 2009, Cal. No. 29, the hearing was closed.)

For consideration.

No. 14

CD 2

C 090183 ZSK

IN THE MATTER OF an application submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 465 spaces including 129 accessory spaces, and to allow 37,599 square feet of floor space up to a height of 23 feet above base plane level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS) in connection with a proposed mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 49, 52 & 53), in an M1-2/R8 (MX-2) District*, within a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52, & 53, and Block 26, Lots 33 & 38), in M1-2/R8 (MX-2)*, M1-2/R8A (MX-2), and M3-1 Districts.

*Note: The site is proposed to be rezoned from an M1-2 District to an M1-2/R8 (MX-2) District under a related application (C 080181 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007

(On February 18, 2009, Cal. No. 13, the Commission scheduled March 4, 2009 for a public hearing. On March 4, 2009, Cal. No. 30, the hearing was closed.)

For consideration.

No. 15

CD 2

C 090184 ZSK

IN THE MATTER OF an application submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743** of the Zoning Resolution to modify the regulations of Section 23-851 (Minimum dimension of inner courts), Section 23-86 (Minimum Distance Between Legally Required Windows and Lot Lines), Section 25-533 (Required rear yard equivalents), Section 43-28 (Special Provisions for Through Lots) and Section 123-66 (Height and Setback Regulations) to facilitate a mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 49, 52 & 53), in an M1-2/R8 (MX-2) District*, within a general large-scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52, & 53, and Block 26, Lots 33 & 38), in M1-2/R8 (MX-2)*, M1-2/R8A (MX-2), and M3-1 Districts, Borough of Brooklyn, Community District 2.

*Note: The site is proposed to be rezoned from an M1-2 District to an M1-2/R8B (MX-2) District under a related application (C 080181 ZMK).

**Note: A zoning text change for amendment to Section 74-743 (Special provisions for bulk modification) of the Zoning Resolution is proposed under a concurrent related application (N 090182 ZRK).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On February 18, 2009, Cal. No. 14, the Commission scheduled March 4, 2009 for a public hearing. On March 4, 2009, Cal. No. 31, the hearing was closed.)

For consideration.

BOROUGH OF MANHATTAN**No. 16*****HOBBS COURT*****CD 11****C 090125 ZMM**

IN THE MATTER OF an application submitted by the New York City Housing Authority and Phipps Houses and Urban Builders Collaborative, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b changing from an R7A District to a R8A District property bounded by East 103rd Street, a line 325 feet easterly of Second Avenue, East 102nd Street, and a line 100 feet easterly of Second Avenue, as shown on a diagram (for illustrative purposes only) dated December 1, 2008.

(On March 4, 2009, Cal. 3, the Commission scheduled March 18, 2009 for a public hearing. On March 18, 2009, Cal. No. 19, the hearing was closed.)

For consideration.

**No. 17*****86TH STREET SIDEWALK CAFES TEXT AMENDMENT*****CD 8****N 090165 ZRM**

IN THE MATTER OF an application submitted by Maz Mezcal Restaurant pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article I, Chapter 4 (Sidewalk Café Regulations), relating to Section 14-43 to permit small sidewalk cafes on the south side of East 86th Street from First Avenue to a line 125 feet east of Second Avenue.

Matter in underline is new, to be added;
 Matter in ~~strikeout~~ is old, to be deleted;
 Matter within # # is defined in Section 12-10;

14-43**Locations Where Only Small Sidewalk Cafes Are Permitted**

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted, pursuant to Section 14-011 (Sidewalk cafe locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning.

Manhattan:

- Orchard Street - from Canal Street to Houston Street
- Delancey Street - from Norfolk Street to the Bowery
- Centre Street - from Canal Street to Spring Street
- Lafayette Street - from Canal Street to Houston Street
- Sixth Avenue - from Canal Street to a line 100 feet south of Spring Street
- Special Union Square Special District*
- 14th Street - from Second Avenue to Irving Place
- 14th Street - from a line 100 feet west of University Place to Eighth Avenue
- 23rd Street - from the East River to Eighth Avenue
- 31st Street - from Fifth Avenue to a line 200 feet east of Broadway
- 34th Street - from the East River to Fifth Avenue
- 35th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet east of Sixth Avenue
- 36th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
- 37th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
- 37th Street - from a line 150 feet east of Sixth Avenue to Broadway
- 38th Street - from Third Avenue to Seventh Avenue
- 39th Street - from Exit Street to Seventh Avenue
- 40th Street - from a line 100 feet east of Exit Street to Broadway
- 41st Street - from a line 100 feet east of Exit Street to Third Avenue
- 42nd Street - from First Avenue to Third Avenue
- 42nd Street - from Fifth Avenue to a line 275 feet east of Sixth Avenue
- All #streets# bounded by 43rd Street on the south, 46th Street on the north, a line 200 feet east of Third Avenue on the east and Third Avenue on the west
- 43rd Street - from Fifth Avenue to Sixth Avenue
- 44th Street - from Fifth Avenue to Sixth Avenue
- 45th Street - from Fifth Avenue to Sixth Avenue
- 46th Street - from Fifth Avenue to Sixth Avenue
- 47th Street - from a line 200 feet east of Third Avenue to Third Avenue
- 48th Street - from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
- 49th Street - from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
- 50th Street - from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
- 51st Street - from a line 150 feet east of Third Avenue to Eighth Avenue
- 52nd Street - from a line 160 feet east of Third Avenue to Eighth Avenue
- 53rd Street - from a line 160 feet east of Third Avenue to Eighth Avenue
- 54st Street - from a line 150 feet east of Third Avenue to Eighth Avenue
- 55th Street - from a line 100 feet west of Second Avenue to Eighth Avenue
- 56th Street - from a line 100 feet west of Second Avenue to Eighth Avenue
- 57th Street - from the East River to Eighth Avenue
- 58th Street - from the East River to Eighth Avenue
- 59th Street - from the East River to Second Avenue
- 59th Street (Central Park South) - from Sixth Avenue to Columbus Circle

60th Street - from Lexington Avenue to Fifth Avenue
 61st Street - from Third Avenue to Fifth Avenue
 62nd Street - from Second Avenue to Fifth Avenue
 63rd Street - from Second Avenue to Fifth Avenue
86th Street - from First Avenue to a line 125 feet east of Second Avenue, south side only
 116th Street - from Malcolm X Boulevard to Frederick Douglass Boulevard
 First Avenue - from 48th Street to 56th Street
 Third Avenue - from 38th Street to 62nd Street
 Lexington Avenue - from a line 100 feet south of 23rd Street to a line 100 feet north of 34th Street
 Lexington Avenue - the entire length from a line 100 feet north of 96th Street, northward
 Park Avenue - from 38th Street to 40th Street
 Park Avenue - from 48th Street to 60th Street
 Park Avenue - the entire length from a line 100 feet north of 96th Street, northward
 Madison Avenue - from 23rd Street to 38th Street
 Madison Avenue - from 59th Street to 61st Street
 Special Madison Avenue Preservation District**
 Madison Avenue - the entire length from a line 100 feet north of 96th Street, northward
 Fifth Avenue - from 12th Street to 33rd Street
 Fifth Avenue - from 59th Street to 61st Street
 Sixth Avenue - from 36th Street to 42nd Street
 Sixth Avenue - from a line 150 feet north of 42nd Street to 48th Street
 Sixth Avenue - from 50th Street to Central Park South
 Seventh Avenue - from 50th Street to Central Park South
 Broadway - from 36th Street to 40th Street
 Broadway - from 50th Street to Columbus Circle
 Columbus Circle - from Eighth Avenue, westward, to Broadway.

* #Small sidewalk cafes# are not allowed on 14th Street

** #Small sidewalk cafes# are not allowed on 86th Street within the Special Madison Avenue District

(On March 4, 2009, Cal. 4, the Commission scheduled March 18, 2009 for a public hearing. On March 18, 2009, Cal. No. 20, the hearing was closed.)

For consideration.

Nos. 18-24***FORDHAM UNIVERSITY LINCOLN CENTER CAMPUS*****No. 18****CD 7****C 050260 ZSM**

IN THE MATTER OF an application submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-33 of the Zoning Resolution to modify:

- a. the height and setback requirements of Section 23-632 (Front setbacks in districts where front yards are not required);
- b. the inner and outer court regulations of Section 23-841 (Narrow outer courts), Section 23-843 (Outer court recesses), Section 23-851 (Minimum dimensions of inner courts), Section 23-852 (Inner court recesses), Section 24-632 (Wide outer courts), Section 24-633 (Outer court recesses), Section 24-652 (Minimum distance between required windows and certain walls), and Section 23-863 (Minimum distance between legally required windows and any wall in an inner court);
- c. the minimum distance between buildings on a zoning lot requirements of Section 23-711 (Standard minimum distance between buildings); and
- d. the minimum distance between legally required windows and zoning lot lines requirements of Section 23-861 (General Provisions);

in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On February 18, 2009, Cal. No. 7, the Commission scheduled March 4, 2009 for a public hearing. On March 4, 2009, Cal. No. 24, the hearing was closed.)

For consideration.

No. 19**CD 7****C 050269 ZSM**

IN THE MATTER OF an application submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 68 spaces on portions of the ground floor, cellar, and sub-cellar levels of a proposed mixed use building (Site 4, Garage A) in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On February 18, 2009, Cal. No. 8, the Commission scheduled March 4, 2009 for a public hearing. On March 4, 2009, Cal. No. 25, the hearing was closed.)

For consideration.

No. 20**CD 7****C 050271 ZSM**

IN THE MATTER OF an application submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 137 spaces on portions of the ground floor, cellar, subcellar and 2nd subcellar level of a proposed mixed use building (Site 3a/3, Garage C) in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On February 18, 2009, Cal. No. 9, the Commission scheduled March 4, 2009 for a public hearing. On March 4, 2009, Cal. No. 26, the hearing was closed.)

For consideration.

No. 21

CD 7

C 090173 ZSM

IN THE MATTER OF an application submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 265 spaces on portions of the ground floor and cellar of a proposed mixed use building (Site 5a/5, Garage B) in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On February 18, 2009, Cal. No. 10, the Commission scheduled March 4, 2009 for a public hearing. On March 4, 2009, Cal. No. 27, the hearing was closed.)

For consideration.

No. 22

CD 7

N 090170 ZRM

IN THE MATTER OF an application submitted by Fordham University pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, Article VIII, Chapter 2, concerning Section 82-50 (Off-Street Parking and Off-Street Loading Regulations), to modify the requirements for curb cuts on wide streets for off-street loading berths in the Special Lincoln Square District, Borough of Manhattan, Community District 7.

Matter underlined is new, to be added;
Matter within # # is defined in Section 12-10;

Matter in ~~strikeout~~ is text to be deleted;

*** indicates where unchanged text appears in the zoning resolution

Article VIII – Special Purpose Districts

Chapter 2

Special Lincoln Square District

* * *

82-50

OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The regulations of Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section. In addition, the entrances and exits to all off-street loading berths shall not be located on a #wide street# except by authorization as set forth in this Section.

a) #Accessory# off-street parking spaces

#Accessory# off-street parking spaces are permitted only by special permit of the City Planning Commission pursuant to Section 13-561 (Accessory off-street parking spaces).

b) Curb cuts

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets# where such curb cuts are needed ~~exclusively~~ for ~~required~~ off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-553 ~~and the loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.~~

c) Waiver of loading berth requirements

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

- (1) be hazardous to traffic safety;
- (2) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; or
- (3) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

(On February 18, 2009, Cal. No. 11, the Commission scheduled March 4, 2009 for a public hearing. On March 4, 2009, Cal. No. 28, the hearing was closed.)

For consideration.

No. 23

CD 7

N 090171 ZAM

IN THE MATTER OF an application submitted by Fordham University for the grant of an authorization pursuant to Section 13-553 of the Zoning Resolution to allow a 27-foot wide curb cut (including splays) on West 62nd Street (a wide street) to facilitate access to two proposed attended parking garages (Site 4/Garage A and Site 5a/5/Garage B), in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007

For consideration.

No. 24

CD 7

N 090172 ZAM

IN THE MATTER OF an application submitted by Fordham University for the grant of an authorization pursuant to Sections 82-50(b)* and 13-553 of the Zoning Resolution to allow a 30-foot wide curb cut (including splays) on West 62nd Street (a wide street) to facilitate access to three off-street loading berths (Site 5a), in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

*Note: Section 82-50 of the Zoning Resolution is proposed to be amended under a related, concurrent application N 090170 ZRM.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007

For consideration.

BOROUGH OF QUEENS

No. 25

***SUNNYSIDE GARDENS SPECIAL PLANNED COMMUNITY PRESERVATION
DISTRICT TEXT AMENDMENT***

CD 2

N 080253 ZRQ

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying special permit regulations pertaining to the Sunnyside Gardens area in Community District 2, Borough of Queens, and clarifying other regulations in Article X, Chapter 3 (Special Planned Community Preservation District).

Matter in graytone or underlined is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicate where unchanged text appears in the Zoning Resolution.

Article I

General Provisions

Chapter 2

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

12-10

DEFINITIONS

* * *

Special Planned Community Preservation District

The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply to all districts ~~which that~~ are at least 1.5 acres and contain a minimum of three ~~#buildings#~~; ~~were~~ substantially designed and developed as a unit with substantial clustered ~~#open space#~~ and related ~~#commercial uses#~~ available to all residents of the District under the regulations of the Zoning Resolution prior to December 15, 1961; ~~which was were~~ considered to be worthy of such preservation by the City Planning Commission and the Board of Estimate, or its successor ; ~~and established designated~~ pursuant to Section 103-05-01. The Special ~~PC~~ Planned Community Preservation District and its regulations supplement or modify those of the districts on which it is superimposed.

* * *

Article X Special Purpose Districts

Chapter 3 Special Planned Community Preservation District

103-00 GENERAL PURPOSES

The "Special Planned Community Preservation District" (hereinafter referred to as the "Special District"), established in this Resolution, is designed to promote and protect the public interest, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to preserve and protect the Special Districts as superior examples of town planning or large-scale development;
- (b) to preserve and protect the character and integrity of these unique communities which, by their existing site plan, pedestrian and vehicular circulation system, balance between buildings and open space, harmonious scale of the development, related commercial uses, open space arrangement and landscaping add to the quality of urban life;
- (c) to preserve and protect the variety of neighborhoods and communities that presently exist which contribute greatly to the livability of New York City;
- (d) to maintain and protect the environmental quality that the Special District offers to its residents and the City-at-large; and
- (e) to guide ~~future~~ development within ~~the each of the~~ Special Districts that is consistent with the existing character, quality and amenity of the Special Planned Community Preservation District.

103-01**Definitions**

~~Special Planned Community Preservation District
(repeated from Section 12-10)~~

~~The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply to all districts which are at least 1.5 acres and contain a minimum of 3 #buildings#, are substantially designed and #developed# as a unit with substantial clustered #open space# and related #commercial uses# available to all residents of the District under the regulations of the Zoning Resolution prior to December 15, 1961, which were considered to be worthy of such preservation by the City Planning Commission and the Board of Estimate, or its successor, and were designated pursuant to Section 103-05. The Special PC Planned Community Preservation District and its regulations supplement or modify those of the districts on which it is superimposed.~~

Establishment of Special Planned Community Preservation District

~~The City Planning Commission has established the #Special Planned Community Preservation District# in areas that:~~

- ~~(a) have a land area of at least 1.5 acres;~~
- ~~(b) contain a minimum of three #buildings#;~~
- ~~(c) were designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961; and~~
- ~~(d) include considerable clustered #open space# and related #commercial uses# available to all residents of the District.~~

~~The Commission has found that the existing site plan resulted in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned #residential# community.~~

103-02**Special Planned Community Preservation District Areas**

~~The #Special Planned Community Preservation District# areas are as follows, and are each indicated by the letters "PC" on the #zoning maps#:~~

~~Fresh Meadows in the Borough of Queens~~

~~The Harlem River Houses in the Borough of Manhattan~~

Parkchester in the Borough of the Bronx

Sunnyside Gardens in the Borough of Queens.

103-10

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the ~~#Special Planned Community Preservation District#~~, ~~and in accordance with the provisions of this Chapter~~, no new ~~#development#~~, ~~#enlargement#~~ which may include demolition of ~~#buildings#~~, or substantial alteration of landscaping or topography, ~~is~~ shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, ~~designated as a #Special Planned Community Preservation District#~~ except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

Special regulations for the Sunnyside Gardens area are set forth in Section 103-20, inclusive.

103-11

Special Permits for Bulk and Parking Modifications

- (a) For any new #development# or #enlargement# which may include demolition, within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:
- (1) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;
 - (2) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;
 - (3) minor variations in the #yard# regulations required by the applicable district regulations;
 - (4) minor variations in the height and setback regulations required by the applicable district regulations;
 - (5) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Lot); or

- (6) permitted or required #accessory# off-street parking spaces, driveways or curb cuts to be located anywhere within the #development#, without regard to #zoning lot lines# or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces).
- (b) In order to grant such special permits, the City Planning Commission shall make the following findings:
- (1) that the new #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design, and that the new #development# will not seriously alter the scenic amenity and the environmental quality of the community;
 - (2) that the new #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #development#, the landscaping surrounding the new landscaping arrangement, and conditions of the community;
 - (3) that the new #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic that will diminish the environmental quality of the community; and
 - (4) that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.
- (c) Notwithstanding the provisions of paragraph (a)(6) of this Section, where the requirement for #accessory# off-street parking spaces, driveways or curb cuts can only be accommodated in such a manner that the functioning of the existing planned community is substantially injured, the City Planning Commission shall authorize waiver of all or part of the required parking.
- (d) No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I Article 8, of the New York City Administrative Code, or its successor, except pursuant to a #development# plan for which a special permit has been granted under the provisions of this Section and Section 103-12.

The City Planning Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit in order to

minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform with the intentions of the #Special Planned Community Preservation District#.

103-12

Special Permit for Landscaping and Topography Modifications

No substantial modifications of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such modifications are approved by special permit of the City Planning Commission.

103-04-103-13

Requirements for Application

An application to the City Planning Commission for the grant of a special permit respecting any #development# or #enlargement# or substantial ~~alteration~~ modification of landscaping or topography to be made within the Special District, shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, building sections and elevation and an appropriate model of the planned community.

103-14

Recordation

At the time of any transfer of development rights which has been authorized by special permit under Section 103-11, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

Notice of the restrictions upon further #development# of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.

~~103-05~~ (text incorporated into 103-01)

Designation of Special Planned Community Preservation Districts

The City Planning Commission and the Board of Estimate may designate as ~~# Special Planned Community Preservation Districts#~~ areas of at least 1.5 acres which contain a minimum of three ~~#buildings#~~ designed and substantially ~~#developed#~~ as a unit under the regulations of the Zoning Resolution prior to December 15, 1961, with substantial clustered ~~#open space#~~ and related ~~#commercial uses#~~ available to all residents of the District, where the Commission finds that the existing site plan results in superior functional relationships of ~~#buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities~~ all together creating an outstanding planned ~~#residential#~~ community.

~~103-06~~ (text incorporated into 103-11(a). Portion of paragraph (f) incorporated into 103-11(c).

Special Permit Provisions

For any new ~~#development#~~ or ~~#enlargement#~~ which may include demolition within a ~~#Special Planned Community Preservation District#,~~ the City Planning Commission, by special permit, may allow:

- (a) ~~the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;~~
- (b) ~~the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;~~
- (c) ~~minor variations in the #yard# regulations required by the applicable district regulations;~~
- (d) ~~minor variations in the height and setback regulations required by the applicable district regulations;~~
- (e) ~~modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Lot);~~
- (f) ~~permitted or required #accessory# off street parking spaces, driveways or curb cuts to be located anywhere within the #development#, without regard to #zoning lot lines# or the provisions of Section 25-621 (Location of parking spaces in certain districts), and Section 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces). Where such requirement substantially injures the functioning of the existing planned community, waiver of all or part of the required parking may be authorized.~~

103-061 *(text incorporated into 103-11(b))***Findings**

~~As a condition precedent to the granting of a special permit under the provisions of Section 103-06, the City Planning Commission shall make the following findings:~~

- ~~(a) — that the new #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design; and that the new #development# will not seriously alter the scenic amenity and the environmental quality of the community;~~
- ~~(b) — that the new #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #development#, the landscaping surrounding the new landscaping arrangement, and conditions of the community;~~
- ~~(c) — that the new #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community; and~~
- ~~(d) — that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.~~

~~The City Planning Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit hereunder to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform with the intentions of the #Special Planned Community Preservation Districts#.~~

103-07 *(text incorporated into 103-11(d))***Special Provisions for Demolition of Buildings**

~~No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I Article 8 of the New York City Administrative Code, or its successor, except pursuant to a #development# plan for which a special permit has been granted under Section 103-06 (Special Permit Provisions).~~

103-08 *(text incorporated into 103-12)*

Special Provisions for Alterations of Landscaping or Topography

No substantial alterations of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such alterations are approved by special permit by the City Planning Commission after public notice and hearing and subject to Board of Estimate action.

103-09 (text renumbered 103-14)

Recordation

At the time of any transfer of development rights which have been authorized by special permit under Section 103-06, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

Notice of the restrictions upon further #development# of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.

103-20

Special Regulations for Sunnyside Gardens

In order to further protect and enhance the character of the Sunnyside Gardens area within the #Special Planned Community Preservation District#, the regulations of this Section, inclusive, shall supersede the regulations of the #Special Planned Community Preservation District# and the underlying zoning districts, as applicable

The special permit provisions of Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications) shall not apply within the Sunnyside Gardens area of the Special District.

103-21

Special Bulk Regulations

Notwithstanding any other provisions of this Resolution, #bulk# regulations applicable to the underlying #Residential# and #Commercial Districts# or modified within the Special District are hereby further modified to the extent set forth in this Section, inclusive.

103-211
Special Floor Area Regulations

In the Sunnyside Gardens area of the Special District, the #floor area# regulations of the underlying #Residential# and #Commercial Districts# shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #residential#, #commercial# and #community facility uses#, separately or in combination, shall be 0.75, which may be increased by up to 20 percent to a maximum #floor area ratio# of .9, provided that any such increase in #floor area# is located under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance, and the structural headroom of such #floor area# is between five and eight feet.

103-212
Special Density Regulations

In the Sunnyside Gardens area of the Special District, the density regulations of the underlying #Residential# and #Commercial Districts# shall not apply. In lieu thereof, for all #residential developments# or #enlargements#, the density factor for #dwelling units# shall be 900.

103-213
Special Height Regulations

In the Sunnyside Gardens area of the Special District, the height and setback regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply to all #developments# or #enlargements# in #Residential# and #Commercial Districts#.

103-214
Special Yard Regulations

In the Sunnyside Gardens area of the Special District, the #yard# regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply to all #developments# or #enlargements# in #Residential# and #Commercial Districts#.

103-22
Special Parking Regulations

In the Sunnyside Gardens area of the Special District, the off-street parking regulations of Article II, Chapter 5, pertaining to R4 Districts, shall be applicable for all #residential# and #community facility uses#, subject to the provisions of Section 103-23 pertaining to curb cuts.

103-23
Curb Cuts

Curb cuts shall not be permitted within the Sunnyside Gardens area of the Special District, except on the east side of 50th Street, within 100 feet of its intersection with 39th Avenue.

* * *

(On January 30, 2008, Cal. No. 23, the Commission scheduled February 13, 2008 for a public hearing. On February 13, 2008, Cal. No. 54, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 26

158 DOUGLAS AVENUE

CD 2

N 080182 ZAR

IN THE MATTER OF an application submitted by John DeNobile for the grant of authorizations pursuant to Sections 105-421, 105-422, and 105-425 of the Zoning Resolution to authorize modification of topographic features on a Tier 1 site, modification of steep slope, and modifications of botanic environment in order to facilitate the construction of three single-family detached houses and three in-ground swimming pools on one zoning lot at 158 Douglas Road (Block 834, Lots 8, 112, and 116) within the Special Natural Area District (NA-1).

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6th floor, Staten Island, New York, 10301.

For consideration.

III. PUBLIC HEARINGS

BOROUGH OF MANHATTAN

No. 27

TIMES SQUARE BID

CDs 4 & 5

N 090346 BDM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the Times Square Business Improvement District pursuant to Section 25-405 of the Administrative Code of the City of New York, as amended, concerning the amendment of the Times Square Business Improvement District.

(On April 1, 2009, Cal. No. 1, the Commission scheduled April 22, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

No. 28

BATTERY PARK CITY SITE 3

CD 1

N 090306 ZRM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Battery Park City Authority pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 4 (Special Battery Park City District) relating to paragraph (e) of Section 84-144 (Location of Curb Cuts) on the east side of Battery Place between Second Place and Third Place.

Matter Underlined is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;

84-144
Location of curb cuts

Curb cuts are permitted only in the areas or locations indicated in Appendices 2.6 and 3.5. The aggregate width of all curb cuts provided for any #development# shall not exceed 20 feet, except that:

- (a) for the #zoning lot# bounded to the north by a mapped public place, to the west by North Park, to the south by Chambers Street, and to the east by Marginal Street, the aggregate width of all curb cuts shall not exceed 40 feet;
- (b) for the #zoning lot# bounded by Warren Street to the north, River Terrace to the west, North End Avenue to the east and Park Place West to the south, the aggregate width of all curb cuts shall not exceed 30 feet, comprised of two 15 foot curb cuts;
- (c) for the #zoning lot# bounded by Murray Street to the north, River Terrace to the west, North End Avenue to the east and Vesey Place to the south, the aggregate width of all curb cuts shall not exceed 40 feet, including a 25 foot wide curb cut to the #accessory# off-street parking facility;
- (d) for the #zoning lot# south of First Place and east of Battery Place, the aggregate width of all curb cuts shall not exceed 50 feet;
- (e) for each #zoning lot# located on the east side of Battery Place:
 - (1) between First Place and ~~Third~~ Second Place, the aggregate width of all curb cuts shall not exceed 40 feet;
 - (2) between Second Place and Third Place, the aggregate width of all curb cuts shall not exceed 50 feet; and
- (f) for the #zoning lot# south of First Place and west of Battery Place, the aggregate width of all curb cuts shall not exceed 24 feet.

(On April 1, 2009, Cal. No. 2, the Commission scheduled April 22, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF QUEENS**No. 29*****CORD MEYER-FOREST HILLS REZONING*****CD 6****C 090283 ZMQ****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City charter for an amendment of the Zoning Map, Section No.14a; by changing from an R1-2 District to an R1-2A* District property bounded by a line midway between 66th Avenue and 66th Road, 110th Street, 67th Road, 112th Street, the easterly centerline prolongation line of 67th Drive, the southwesterly service road of the Grand Central Parkway, the easterly centerline prolongation of 72nd Avenue, 72nd Avenue, a line 425 feet northeasterly of 112th Street, a line midway between 72nd Avenue and 72nd Road, 112th Street, 71st Avenue, 110th Street, 70th Road, and 108th Street, as shown on a diagram (for illustrative purposes only) dated March 2, 2009.

* Note: An R1-2A District is proposed to be created under a related application N 090282 ZRY for an amendment of the Zoning Resolution.

(On April 1, 2009, Cal. No. 3, the Commission scheduled April 22, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

No. 30
SPECIAL LONG ISLAND CITY DISTRICT TEXT AMENDMENT**CD 2****N 090304 ZRQ****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by the New York City Department of City Planning pursuant to Section 200 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 7 to modify certain provisions concerning the Queens Plaza, Court Square, and Hunters Point subdistricts of the Special Long Island City Mixed Use District.

Matter Underlined is new, to be added;
 Matter in ~~Strikeout~~ is old, to be deleted;

Matter within ## is defined in Section 12-10;
*** indicate where unchanged text appears in the Zoning Resolution

Article III – Commercial District Regulations

* * *

**Chapter 7
Special Urban Design Regulations**

* * *

**37-40
OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR**

Where a #development# or #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-43, the #Special Long Island City Mixed Use District# as described in Section 117-44, the #Special Union Square District# as listed in Section 118-60 and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances* shall be provided in accordance with the provisions of this Section.

* * *

Article XI - Special Purpose Districts

**Chapter 7
Special Long Island City Mixed Use District**

* * *

**117-10
HUNTERS POINT SUBDISTRICT**

* * *

**117-23
Street Wall Location in Certain Designated Districts**

R6B M1-4/R6A M1-4/R6B M1-4/R7A M1-4/R7X M1-5/R8A

In the districts indicated, the #street wall# of any #development# or #enlargement# containing #residences# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#. However, the #street wall# of a

#building# need not be located further from a #street line# than 15 feet. On #corner lots#, the #street wall# along one #street line# need not be located further from the #street line# than five feet.

Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location provisions of this Section.

* * *

117-40 COURT SQUARE SUBDISTRICT

* * *

117-401 General provisions

The regulations governing #developments#, #enlargements#, #extensions# or changes of #use# within the Court Square Subdistrict of the #Special Long Island City Mixed Use District# are contained within Sections 117-40 through 117-45, inclusive. These regulations supplement the provisions of Sections 117-01 through 117-03, inclusive, of the #Special Long Island City Mixed Use District# and supersede the underlying districts.

Mandatory ~~pedestrian circulation and~~ subway improvements are ~~those~~ elements of the Subdistrict Plan which shall be built by the developer of the #zoning lot# to which they apply.

For the purposes of the mandatory ~~pedestrian circulation and~~ subway improvements in the Subdistrict, the #floor area# of the #development# or #enlargement# shall be the total amount of #floor area# resulting from #developments# or #enlargements# after August 14, 1986.

For the purposes of the mandatory ~~pedestrian circulation and~~ subway improvements in the Subdistrict, any tract of land consisting of two or more contiguous lots of record under single ownership or control as of March 1, 1986, shall be considered a single #zoning lot#.

117-41 Court Square Subdistrict Plan

The Subdistrict Plan for the Court Square Subdistrict specifies the location of Blocks 1, 2 and 3 and identifies the improvements to be provided in the District under the provisions of this Chapter. The elements of the Subdistrict Plan are set forth in Appendix B of this Chapter, which consists of the Subdistrict Plan Map and the Description of Improvements, and is incorporated into the provisions of this Chapter.

117-42 Special Bulk and Use Regulations in the Court Square Subdistrict

#Developments# or #enlargements# containing at least 70,000 square feet of #floor area# on #zoning lots# of at least 10,000 square feet are subject to the provisions of the underlying C5-3 District, as modified by Sections 117-40 through 117-45, inclusive.

Other #developments# or #enlargements# are subject to the #use# provisions of the underlying C5-3 District and the #bulk# provisions of an M1-4/R6B designated district pursuant to the regulations of Article XII, Chapter 3 (Special Mixed Use District), as modified by Sections 117-00 through 117-22, inclusive.

117-421

Special bulk regulations

- (a) #Developments# or #enlargements# that meet the minimum #floor area# and #zoning lot# standards of Section 117-44 and provide mandatory subway improvements as required by Section 117-44, may #develop# to a #floor area ratio# of 15.0. #Developments# or #enlargements# that do not meet the minimum standards of Section 117-44 shall not exceed the maximum #floor area ratio# of the designated district for the applicable #use#.
- (b) The following provisions shall not apply within the Court Square Subdistrict:
- Section 33-13 (Floor Area Bonus for a Public Plaza)
 - Section 33-14 (Floor Area Bonus for Arcades)
 - Section 33-26 (Minimum Required Rear Yards)
 - Section 34-223 (Floor area bonus for a public plaza)
 - Section 34-224 (Floor area bonus for an arcade)
 - Section 34-23 (Modification of Yard Regulations).
- (c) The height and setback regulations of the underlying C5-3 District shall apply, except that:
- (1) No #building or other structure# shall exceed a height of 85 feet above the #base plane# within the area bounded by 23rd Street, 44th Road, a line 60 feet east of and parallel to 23rd Street, and a line 75 feet north of and parallel to 45th Road, and
 - (2) On Blocks 1 and 3, the #street wall# of a #building# or other structure# shall be located on the #street line# or sidewalk widening line, where applicable, and extend along the entire #street# frontage of the #zoning lot# up to at least a height of 60 feet and a maximum height of 85 feet before setback. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above the level of the second

#story#, up to 30 percent of the #aggregate width of #street walls# may be located beyond the #street line#, provided no such recesses are within 15 feet of an adjacent #building#.

Above a height of 85 feet, the underlying height and setback regulations shall apply. However, the underlying tower regulations shall be modified to permit portions of #buildings# that exceed a height of 85 feet to be set back at least five feet from a #wide street line#, provided no portion of such #building# that exceeds a height of 85 feet is located within 15 feet of a #side lot line#. The provisions of this paragraph (c)(2) shall not apply to #enlargements# on #zoning lots# existing on (the effective date of amendment), where such #zoning lot# includes an existing #building# to remain with at least 300,000 square feet of #floor area#.

* * *

117-423
Sidewalk widening

For any #development# or #enlargement# on Block 3 with a building wall facing 45th Road, a sidewalk widening with a minimum depth of five feet and a maximum depth of ten feet shall be provided on 45th Road between 23rd Street and Jackson Avenue. Such sidewalk widening shall be a continuous, paved open area along the #front lot line# of the #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. Such sidewalk widening shall be unobstructed from its lowest level to the sky except for temporary elements of weather protection, such as awnings or canopies, provided that the total area (measured on the plan) of such elements does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least 8 feet above #curb level#, and that any post or other support for such element or any attachment to the support has a maximum horizontal dimension of 6 inches. No #street# trees, vehicle storage, parking or trash storage is permitted on such sidewalk widening.

* * *

117-43
Mandatory Circulation Improvement

All #developments# or #enlargements# on #zoning lots# of at least 15,000 square feet that contain at least 50,000 square feet of #floor area# or on #zoning lots# of any size providing at least 200,000 square feet of #floor area# shall provide a minimum amount of pedestrian circulation space at the rate provided in the following table:

<u>#Lot Area#</u>	<u>Minimum Area of Pedestrian Circulation Space</u>
<u>15,000 to 40,000 sq. ft.</u>	<u>1 sq. ft. per 350 sq. ft. of #floor area#</u>

Above 40,000 sq. ft. 1 sq. ft. per 300 sq. ft. of #floor area#

~~The pedestrian circulation space provided shall be one or more of the following types: building entrance recess area, corner circulation space, sidewalk widening or subway stair relocation.~~

Such pedestrian circulation space shall meet the requirements set forth in Section 117-431 (Design standards for pedestrian circulation spaces). No sidewalk widenings or corner circulation spaces shall be permitted along 23rd Street within the Court Square Subdistrict.

117-431

Design standards for pedestrian circulation spaces

(a) Sidewalk widening

~~A sidewalk widening is a continuous, paved open area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. A sidewalk widening shall meet the following requirements:~~

(1) Dimensions

~~A sidewalk widening shall have a width no less than 5 feet nor greater than 10 feet measured perpendicular to the #street line#, and shall be contiguous along its entire length to a sidewalk.~~

(2) Permitted interruptions

~~Only under the following conditions shall any interruptions of the continuity of a qualifying sidewalk widening be permitted.~~

~~(i) A sidewalk widening may be overlapped by a corner circulation space or a building entrance recess area that permits uninterrupted pedestrian flow.~~

~~(ii) An off-street subway entrance may interrupt a sidewalk widening, provided such an entrance is located at a #side lot line# or is located at the intersection of two #street lines#.~~

~~(iii) A sidewalk widening may be overlapped by the queuing space of a relocated subway entrance, provided that the queuing space for the entrance leaves a 5 foot uninterrupted width of sidewalk widening along the entire length of the queuing space.~~

~~(iv) A sidewalk widening may be interrupted by a driveway that is located at a #side lot line#. The area occupied by the~~

~~driveway, up to the width of the sidewalk widening, may be counted towards meeting the pedestrian circulation space requirement, provided that there shall be no change of grade within the area of the sidewalk widening.~~

(3) ~~Permitted obstructions~~

~~A sidewalk widening shall be unobstructed from its lowest level to the sky except for temporary elements of weather protection, such as awnings or canopies, provided that the total area (measured on the plan) of such elements does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least 8 feet above the #curb level#, and that any post or other support for such element or any attachment to the support has a maximum horizontal dimension of 6 inches.~~

(4) ~~Specific prohibitions~~

~~No #street# trees are permitted on a sidewalk widening. No vehicle storage, parking or trash storage is permitted on a sidewalk widening. Gratings may not occupy more than 50 percent of the sidewalk widening area nor be wider than one half the width of the sidewalk widening.~~

(5) ~~Special design treatment~~

~~When one end of the sidewalk widening abuts an existing #building# on the #zoning lot# or an existing #building# on the #side lot line# of the adjacent #zoning lot#, design treatment of the termination of the sidewalk widening is required to smooth pedestrian flow. The portion of the sidewalk widening subject to design treatment, hereinafter called the transition area, shall not extend more than 10 feet along the sidewalk widening from its termination.~~

~~The transition area shall be landscaped and the paved portion shall have a curved or diagonal edge effecting a gradual reduction of its width over the length of the transition area to no width at the point of the sidewalk widening termination. The unpaved portion of such landscaped treatment shall not exceed 50 percent of the transition area and shall be considered a permitted obstruction.~~

(b) ~~Corner circulation space~~

~~A corner circulation space is a small open space on the #zoning lot# of a #development# or #enlargement#, adjoining the intersection of two #streets#, at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times. A corner circulation space shall meet the following requirements:~~

(1) Dimensions

~~A corner circulation space shall have a minimum area of 200 square feet, a minimum depth of 15 feet measured along a line bisecting the angle of intersecting #street lines#, and shall extend along both #street lines# for at least 15 feet but not more than 40 feet from the intersection of the two #street lines#.~~

(2) Obstructions

~~A corner circulation space shall be clear of all obstructions, including, without limitation, door swings, building columns, #street# trees, planters, vehicle storage, parking or trash storage. No gratings except for drainage are permitted.~~

(3) Building entrances

~~Entrances to ground level #uses# are permitted from a corner circulation space. An entrance to a building lobby is permitted from a corner circulation space, provided that the entrance is at no point within 20 feet of the intersection of the two #street lines# which bound the corner circulation space.~~

(4) Permitted overlap

~~A corner circulation space may overlap with a sidewalk widening.~~

(e) Building entrance recess area

~~A building entrance recess area is a space which adjoins and is open to a sidewalk or sidewalk widening for its entire length and provides unobstructed access to the building's lobby entrance. A building entrance recess area shall meet the following requirements.~~

(1) Dimensions

~~A building entrance recess area shall have a minimum length of 15 feet and a maximum length of 40 feet measured parallel to the #street line#. It shall have a maximum depth of 15 feet measured from the #street line#, and if it adjoins a sidewalk widening shall have a minimum depth of 10 feet measured from the #street line#.~~

(2) Obstructions

~~A building entrance recess area shall either be completely open to the sky or completely under an overhanging portion of the #building# with a minimum clear height of 15 feet. It shall be free of obstructions except for building columns, between any two of which there shall be a~~

~~clear space of at least 15 feet measured parallel to the #street line#. Between a building column and a wall of the #building# there shall be a clear path at least 5 feet in width.~~

(3) ~~Permitted overlap~~

~~A building entrance recess area may overlap with a sidewalk widening or a corner circulation space.~~

**117-44
Mandatory Subway Improvements**

~~#Developments# or #enlargements# containing at least 70,000 square feet of total #floor area# on #zoning lots# of at least 10,000 square feet shall provide mandatory subway improvements as described in Appendix B of this Chapter~~

(a) ~~#Zoning lots# with at least 5,000 square feet of #lot area#~~

~~#Developments# or #enlargements# on #zoning lots# with 5,000 square feet or more of #lot area#, which front on a sidewalk containing a sidewalk entrance(s) into a subway, shall relocate the stairway or entrance(s) to the subway onto the #zoning lot# in accordance with the provisions of Section 37-40 (Off-Street Relocation or Renovation of a Subway Stair), with the exception that, in addition to the waivers provided by Section 37-44, the additional standards for location, design and hours of public accessibility contained in Section 37-41 may be waived upon a finding by the Metropolitan Transportation Authority that they are undesirable or unnecessary to ensure a good overall design.~~

(b) ~~#Zoning lots# with at least 10,000 square feet of #lot area#~~

~~#Developments# or #enlargements# on Blocks 1, 2 or 3, identified in Appendix B (Court Square Subdistrict Plan Map and Description of Improvements) of this Chapter, containing at least 70,000 square feet of #floor area# on #zoning lots# of at least 10,000 square feet of #lot area# shall provide mandatory subway improvements as described in paragraph (a) for Block 1, paragraph (b) for Block 2 and paragraph (c)(1) for Block 3 in Appendix B.~~

~~In addition, on #—Block #— 3, any #development# or #enlargement# containing at least 300,000 square feet of total #floor area# or any #development# or #enlargement# on a #zoning lot# of at least 30,000 square feet of #lot area# shall provide all the mandatory subway improvements for the #block #, as described in paragraphs (c)(1) and (c)(2) for (# Block #3).~~

**117-441
Standards and procedures for mandatory subway improvements**

* * *

(b) Procedure

(1) Pre-application

* * *

~~(6) Where a #development# or #enlargement# is located on a #zoning lot# which fronts on a sidewalk containing a sidewalk entrance or entrances into a subway and such #zoning lot# contains 5,000 square feet or more of #lot area#, such #development# or #enlargement# shall relocate the stairway entrance or entrances to the subway onto the #zoning lot# in accordance with the provisions of Section 37-03 (Off Street Relocation or Renovation of a Subway Stair), with the exception that, in addition to the waivers provided by Section 37-034 (Waiver of requirements), the additional standards contained in Section 37-031 (Standards for location, design and hours of public accessibility) may be waived upon a finding by the Metropolitan Transportation Authority that they are undesirable or unnecessary to ensure a good overall design.~~

* * *

**117-50
QUEENS PLAZA SUBDISTRICT**

* * *

**117-531
Street wall location**

* * *

(g) For any #development# or #enlargement# on a #zoning lot# located on Jackson Avenue between 42nd Road and Queens Plaza South, the #street wall# fronting on Jackson Avenue may be set back ~~ten~~ five feet from the #street line# only upon certification of the Chairperson of the City Planning Commission to the Department of Buildings that the Jackson Avenue sidewalk adjacent to the #zoning lot# will be landscaped in accordance with a plan acceptable to the Department of Transportation and the Chairperson. Such plan shall include five planting beds that shall contain a mixture of deciduous and evergreen shrubs, ground covers and flowers. Such planting beds shall be installed and maintained by the owner of the #development# or #enlargement#. The #street wall# of any subsequent #development# or #enlargement# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#.

* * *

**Appendix B
Court Square Subdistrict Plan Map and Description of Improvements**

* * *

Description of Improvements

This Appendix describes the mandatory lot improvements that are designated on the District Plan Map in Appendix B for the Court Square Subdistrict. This Descriptions refers to the text for requirements and standards for the following improvements.

(a) ~~#~~ Block #1

- (+) A subway improvement, to consist of a connection between the G and 7 lines and maintenance of glass partitions in the control area of the E/F Ely Avenue mezzanine and near the control area of the G mezzanine which are to be installed by the developer of ~~#Block#~~-2. The developer shall notify the Chairperson of the City Planning Commission upon both application for and issuance of a first building permit for the ~~#development#~~ on this ~~#block#~~.

(b) ~~#~~ Block #2

- (+) A subway improvement, to consist of a connection between the E/F and G lines, preparation of preliminary plans for a G/7 connection and installation of glass partitions in the control area of the E/F Ely Avenue mezzanine and near the control area of the G mezzanine upon receipt of a written request by the Chairperson of the City Planning Commission, which shall occur only after the issuance of a first building permit for the ~~#development#~~ on ~~#Block#~~1.

(c) ~~#~~Block #3

- (1) ~~A subway improvement, to consist of construction of a building entrance within the #lot line# at the northwestern corner of the #block#, a direct link to the 7 platform and construction of a new mezzanine area; and/or The first #development# to meet the criteria for a subway improvement shall construct new entrances at the intersection of 44th Drive and 23rd Street for the Number 7 45th Road/Courthouse Square station, in consultation with the Metropolitan Transportation Authority and the Department of City Planning.~~
- (2) ~~A subway improvement, to consist of a substantial physical improvement to the G platform and mezzanine areas, including reconfiguration of control areas as necessary and acoustical upgrading. For subsequent #developments#, a subway improvement to the north end of the Number 7 45th Road/Courthouse Square station shall be required. Such improvement shall be determined in consultation with~~

the Metropolitan Transportation Authority and the Department of City Planning.

* * *

(On April 1, 2009, Cal. No. 4, the Commission scheduled April 22, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

No. 31

GRACE ASPHALT PLANT

CD 7

C 090366 PCQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Transportation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 130-31 Northern Boulevard (Block 1791, Lots 52 and 68) , for use as an asphalt plant.

(On April 1, 2009, Supplemental Cal. No. 1, the Commission scheduled April 22, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

CITYWIDE

No. 32

PRIVATELY OWNED PUBLIC PLAZAS FOLLOW-UP TEXT AMENDMENT

CITYWIDE

N 090317 ZRY

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article III, Chapter 7 (Special Urban Design Regulations concerning provisions related to privately owned public plazas.

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

* * *

**Chapter 7
Special Urban Design Regulations**

* * *

**37-60
PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO OCTOBER 17,
2007**

* * *

**37-62
Changes to Existing Publicly Accessible Open Areas**

* * *

**37-625
Design changes**

Design changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS), inclusive. The provisions of Section 37-78 (Compliance), other than paragraph (e) (Special regulations for an urban plaza in the Special Lower Manhattan District), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

**37-70
PUBLIC PLAZAS**

* * *

37-71

Basic Design Criteria

* * *

37-712

Area dimensions

A #public plaza# shall contain an area of not less than 2,000 square feet. In no case shall spaces between existing #buildings# remaining on the #zoning lot# qualify as #public plazas#. In addition, in order to preserve the provisions relating to the boundaries, proportions and obstructions of #public plazas#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #public plazas#, or between a #public plaza# and a #building# wall or #arcade#. ~~of the #development#.~~

Any non-bonus open area located adjacent to a #public plaza#, other than an open area bounding a #street line# used for pedestrian access, must either:

- (a) be separated from the #public plaza# by a buffer, such as a wall, decorative fence, or opaque plantings at least six feet in height; or
- (b) meet all requirements for minor portions of #public plazas# related to size, configuration, orientation, as specified in Section 37-716.

37-713

Locational restrictions

~~No #public plaza#, or portion thereof, shall be located within 175 feet of an existing #publicly accessible open area# or #public park#. The distance of 175 feet shall be measured along the #street# on which the existing amenity fronts~~ No #public plaza#, or portion thereof, shall be located within 175 feet of an existing #publicly accessible open area# or #public park# as measured along the #street line# on which the existing amenity fronts if the #public plaza# is to be located on the same side of the #street#, or as measured along the directly opposite #street line# if the #public plaza# is to be located on the other side of the #street#. Such distance shall include the width of any #street# that intersects the #street# on which the amenity fronts.

However, such location restriction may be waived if the #public plaza# is located directly across the #street# from the existing #publicly accessible open area# or #public park# and if the Chairperson of the City Planning Commission finds that the location of the #public plaza# at such location would create or contribute to a pedestrian circulation network connecting the two or more open areas.

* * *

37-72

Access and Circulation

37-721

Sidewalk frontage

~~To facilitate access to a #public plaza#, the area within 15 feet of a #street line# or sidewalk widening, along at least 50 percent of each aggregate #street# frontage of the major and minor portions, shall be free of obstructions to public access to the #public plaza# from the adjacent sidewalk or sidewalk widening, except for those obstructions listed in this Section. For #corner public plazas#, the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions, except for those listed in this Section. Only areas with at least five feet of clear, unobstructed area when measured parallel to the street line shall be considered to be free of obstructions. For the remaining 50 percent of the frontage and within 15 feet of the #street line#, no walls or other obstructions, except for permitted obstructions listed in this Section and fixed and moveable seating and tables, shall be higher than two feet above the #curb level# of the #street line# in front of the #public plaza#.~~

The following shall be considered permitted obstructions within the sidewalk frontage:

- Light stanchions;
- Public space signage;
- Railings for steps;
- Trash receptacles;
- Trees planted flush to grade.

To facilitate pedestrian access to a #public plaza#, the following rules shall apply to the area of the #public plaza# located within 15 feet of a #street line# or sidewalk widening line:

- (a) At least 50 percent of such area shall be free of obstructions and comply with the following provisions:
 - (1) At least 50 percent of the #public plaza# frontage along each #street line# or sidewalk widening line shall be free of obstructions; and
 - (2) Such unobstructed access area shall extend to a depth of 15 feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.

- (b) In the remaining 50 percent of such area, only those obstructions listed in Section 37-726 (Permitted Obstructions) shall be allowed, provided such obstructions are not higher than two feet above the level of the public sidewalk fronting the #public plaza#, except for light stanchions, public space signage, railings for steps, trash receptacles, trees and fixed or moveable seating and tables. Furthermore, planting walls or trellises, water features and artwork may exceed a height of two feet when located within three feet of a wall bounding the #public plaza#.

For #corner public plazas#, the requirements of this Section shall apply separately to each #street# frontage, and the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions.

* * *

**37-724
Subway entrances**

Where an entry to a subway station exists in the sidewalk area of a #street# on which a #public plaza# fronts and such entry is not replaced within the #public plaza# itself, the #public plaza# shall be #developed# at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #public plaza# area around a subway entry shall be free of all obstructions and may count towards the required clear area requirements as specified in Section 37-721 (Sidewalk frontage).

* * *

**37-726
Permitted obstructions**

* * *

- (d) Prohibition of garage entrances, driveways, parking spaces, loading berths, exhaust vents, mechanical equipment and building trash storage facilities

* * *

No exhaust vents or mechanical equipment are permitted on any #public plaza# or on ~~the any building wall of the #development#~~ fronting upon the #public plaza#, ~~except that unless such exhaust vents on the building wall that~~ are more than 15 feet above the level of the adjacent #public plaza# ~~shall be permitted~~. All exhaust vents and mechanical equipment located adjacent to a #public plaza# shall be separated from it by a barrier sufficient to substantially, visually and audibly, conceal their presence and operation. Air intake vents or shafts shall be permitted within a #public plaza# provided that such vents are concealed from

public view by planting or other design features and that such vents do not impair visibility within the #public plaza# area.

* * *

37-728

Standards of accessibility for persons with disabilities

All #public plazas# shall conform with applicable laws pertaining to access for persons with disabilities regardless of whether the #building# associated with the #public plaza# is existing or is a new. #development#.

37-73

Kiosks and Open Air Cafes

Kiosks and open air cafes may be placed within a #publicly accessible open area# upon certification, pursuant to this Section. Such features shall be treated as permitted obstructions. Only #uses# permitted by the applicable district regulations may occupy #publicly accessible open areas# or front on #publicly accessible open areas#.

(a) Kiosks

Where a kiosk is provided, it shall be a one-story temporary or permanent structure that is substantially open and transparent as approved by the Department of Buildings in conformance with the Building Code. Kiosks, including roofed areas, shall not occupy an area in excess of 100 square feet per kiosk. One kiosk is permitted for every 5,000 square feet of #publicly accessible open area#, exclusive of areas occupied by other approved kiosks or open air cafes. Kiosk placement shall not impede or be located within any pedestrian circulation path. Any area occupied by a kiosk shall be excluded from the calculation of #floor area#. Kiosks may be occupied only by #uses# permitted by the applicable district regulations such as news, book or magazine stands, food or drink service, flower stands, information booths, or other activities that promote the public use and enjoyment of the #publicly accessible open area#. Any kitchen equipment shall be stored entirely within the kiosk.

Kiosks must be in operation and provide service a minimum of 225 days per year. However, kiosks may operate for fewer days in accordance with conditions set forth in paragraph (c) of this Section. ~~if they are completely removed from the #publicly accessible open area# when not in operation and if the area previously occupied by the kiosk is returned to public use and such area is in compliance with the #public plaza# design standards.~~

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in a #publicly accessible open area# through open windows.

(b) Open air cafes

Where an open air cafe is provided, it shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have umbrellas, temporary fabric roofs with no vertical supports in conformance with the Building Code, and removable heating lamps. Open air cafes shall occupy an aggregate area not more than 20 percent of the total area of the #publicly accessible open area#. #Publicly accessible open areas# less than 10 feet in width that are located between separate sections of the same open air cafe or between sections of an open air cafe and a kiosk that provides service for such cafe must be included in the calculation of the maximum aggregate area of the open air cafe. Open air cafes shall be located along the edge of the #publicly accessible open area#, except for open air cafes located within #publicly accessible open areas# greater than 30,000 square feet in area. Open air cafes may not occupy more than one third of any #street# frontage ~~in a major portion~~ of the #publicly accessible open area# and may not contain any required circulation paths. An open air cafe must be accessible from all sides where there is a boundary with the remainder of the #publicly accessible open area#, except where there are planters or walls approved pursuant to a prior certification for an open air café. Subject to the foregoing exception, ~~Fences,~~ planters, walls, fabric dividers or other barriers that separate open air cafe areas from the ~~#public plaza#~~ #publicly accessible open area# or sidewalk are prohibited. ~~Open air cafes shall be located at the same elevation as the adjoining #public plaza# and sidewalk areas, except for platforms that shall not exceed six inches in height.~~ All furnishings of an open air cafe, including tables, chairs, bussing stations, and heating lamps, shall be completely removed from the #publicly accessible open area# when the open air cafe is not in active use, except that tables and chairs may be used by the public without restriction. No kitchen equipment shall be installed within an open air cafe; kitchen equipment, however, may be contained in a kiosk adjoining an open air cafe. An open air cafe qualifying as a permitted obstruction shall be excluded from the definition of

#floor

area#.

The exterior corners of the border of the space to be occupied by an open air cafe shall be marked on the ground by a line painted with white latex traffic or zone marking paint. The line shall be one inch wide and three inches in length on each side of the cafe border from the point where the borders intersect at an angled corner. In addition, a line one inch wide and three inches long shall be marked on the ground at intervals of no more than five feet starting from the end point of the line marking the cafe corners.

Open air cafes must be in operation and provide service a minimum of 225 days per year.

Open air cafes shall be located at the same elevation as an adjoining #public plaza# and sidewalk area, except for platforms that shall not exceed six inches in height.

(c) Certification

Kiosks and open air cafes ~~that comply with the provisions of this Section~~ may be placed within the area of a #publicly accessible open area# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

- (1) such #use# promotes public use and enjoyment of the #publicly accessible open area#;
- (2) such #use# complements desirable #uses# in the surrounding area;
- ~~(4)~~(3) the owners of such #use# or the building owner ~~will maintain such #use# in accordance with the provisions of Section 37-77 (Maintenance)~~ shall be responsible for the maintenance of such kiosk or open air café, which shall be located within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air café outside an area so designated shall be permitted;
- ~~(5)~~(4) such #use# does not adversely impact visual and physical access to and throughout the #publicly accessible open area#;
- ~~(3)~~(5) such #use#, when located within a #public plaza#, is provided in accordance with all the requirements set forth in this Section;
- (6) for kiosks and open air cafes located within an existing #publicly accessible open area# such #use#, is proposed as part of a general improvement of the #publicly accessible open area# where necessary, including as much landscaping and public seating as is feasible, in accordance with the standards for #public plazas#;
- (7) a #sign# shall be provided in public view within the cafe area indicating the days and hours of operation of such café; and
- (8) for kiosks that are in operation less than 225 days per year, an off-season plan has been submitted to the Chairperson showing that such kiosks will be completely removed from the #publicly accessible open area# when not in operation, that the area previously occupied by the kiosk is returned to public use and such area is in compliance with the applicable #publicly accessible open area# design standards.

(d) Process

An application for certification shall be filed with the Chairperson of the City Planning Commission, and the Chairperson shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage. The Chairperson will give due consideration to the Community Board's opinion as to the appropriateness of such a facility in the area and shall respond to such application for certification within 60 days of the application's receipt.

The Chairperson shall file any such certification with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such certification. If the Council so resolves, within 50 days of the filing of the Chairperson's certification, the Council shall hold a public hearing and may approve or disapprove such certification. If, within the time periods provided for in this Section, the Council fails to act on the Chairperson's certification, the Council shall be deemed to have approved such certification.

Such certification shall be effective for a period of three years.

All applications for the placement of kiosks or open air cafes ~~within a #publicly accessible open area# filed with the Chairperson of the City Planning Commission~~ shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including the layout and number of tables, chairs, restaurant equipment and heating lamps, as well as the storage location for periods when the kiosk or open air cafe is closed. Where a kiosk or open air cafe is to be located within an existing #publicly accessible open area# each kiosk or open air cafe application must be accompanied by a compliance report in accordance with the requirements of Section 37-78, paragraph ~~(b)(c)~~ ~~except that date of inspection shall be within 15 days of the date that the application is filed.~~

Where design changes to #publicly accessible open areas# are necessary in order to accommodate such kiosk or open air café, or to comply with paragraph (c)(6) of this Section, a certification pursuant to Section 37-625 (Design Changes) shall be required.

All such plans for kiosks or open air cafes, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk or open air cafe, pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson, and the filing and recording of such instrument shall be a precondition for the placement of the kiosk or open air cafe within the #publicly accessible open area#.

* * *

Seating

* * *

The following standards shall be met for all required seating:

* * *

- (3) At least 50 percent of the linear feet of fixed seating shall have backs at least 14 inches high and a maximum seat depth of 20 inches. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from vertical between 10 to 15 degrees.
- (4) Moveable seating or chairs, excluding seating for open air cafes, may be credited as 24 inches of linear seating per chair. Moveable seating provided as a required amenity shall be provided in the amount of one chair per 200 square feet of #public plaza# area. One table shall be provided for every four such moveable chairs.

All moveable seats must have backs and a maximum seat depth of 20 inches. Moveable chairs shall not be chained, fixed, or otherwise secured while the #public plaza# is open to the public; moveable chairs, however, may be removed during the nighttime hours of 9:00 pm to 7:00 am.

* * *

37-742

Planting and trees

The provisions of this Section are intended to facilitate a combination of landscaping elements in order to provide comfort, shade and textural variety.

At least 20 percent of the area of a #public plaza# shall be comprised of planting beds with a minimum dimension of two feet, exclusive of any bounding walls.

All #public plazas# shall provide a minimum of four trees. For a #public plaza# greater than 6,000 square feet in area, an additional four caliper inches in additional trees or multi-stemmed equivalents must be provided for each additional 1,000 square feet of #public plaza# area, rounded to the nearest 1,000 square feet.

~~All #public plazas# shall also provide one of the following additional planting types: additional trees, planters, planting beds, or accessible lawns. Trees provided to satisfy this requirement shall be provided at the rate of one tree for every 2,000 square feet of #public plaza# area. Planters, planting beds, and accessible lawns provided to satisfy this requirement shall be provided at the rate of 150 square feet for every 1,000 square feet of #public plaza# area. Plantings contained in hanging containers shall not satisfy this planting requirement.~~

For all #public plazas#, at least 50 percent of ~~the~~ required #public plaza# trees shall be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings. Trees planted flush-to-grade shall be surrounded by a porous surface (such as grating or open-joint paving) that allows water to penetrate into the soil for a minimum radius of two feet, six inches. Such porous surface shall be of sufficient strength and density to accommodate pedestrian circulation, including all requirements related to accessibility for the disabled, and shall be of a design that allows for tree growth. Installed fixtures such as lighting stanchions, electrical outlets or conduits shall not be located within the required porous area of any tree planted flush-to-grade.

Where trees are planted within a #public plaza#, they shall measure at least four inches in caliper at the time of planting, unless alternative, multi-stemmed equivalents are specified in the approved planting plans. Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3 feet, 6 inches.

~~When planting beds are provided, they~~ shall have a soil depth of at least eighteen inches for grass or other ground cover, three feet for shrubs and 3 feet, 6 inches for trees. No planters or planting beds shall have bounding walls that exceed 18 inches in height above any adjacent walking surfaces. Any planting bed containing required trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls. Furthermore, each tree located within a planting bed shall be surrounded by a continuous permeable surface measuring at least five feet square. Any lawns or turf grass planting beds shall not exceed six inches above any adjacent walking surfaces.

* * *

**37-747
Public space signage**

Entry and information plaques shall be provided, as described in Section 37-751 (Public space signage systems).

**37-75
Signs**

**37-751
Public space signage systems**

The following public space signage systems shall be required for all #public plazas#:

- (a) Entry plaque

* * *

The entry plaque shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. It shall be in a position that clearly identifies the entry into the #public plaza#, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the #public plaza#.

(b) Information plaque

~~An information plaque, constructed from the same permanent materials as the entry plaque or combined with one or more of the required entry plaques shall be provided. Information plaques shall be located within five feet of a sidewalk and shall have all required lettering located above a height of three feet. The information plaque shall consist of:~~

An information plaque, constructed from the same permanent materials as the entry plaque or combined with one or more of the required entry plaques shall be provided. Information plaques shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk and shall have all required lettering located three feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. The information plaque shall consist of:

* * *

37-753

Accessory signs

~~A #public plaza# shall be treated as a #street# for the purposes of the applicable #sign# regulations. #Signs#, except for the plaque required by Section 37-751, are permitted only as #accessory# to #uses# permitted within the #public plaza# and #uses# adjoining the #public plaza#, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS).~~

~~#Signs accessory# to the #building# or tenants of retail spaces fronting on the #public plaza# are permitted within the #public plaza# area, provided that:~~

- ~~(a) no more than three such #signs# are provided within the #public plaza#, but in no event shall more than one of these #signs# be freestanding, as described in paragraph (e) of this Section;~~
- ~~(b) all such #signs# shall be non-illuminated;~~
- ~~(c) such #signs# shall contain only the building or establishment name and address;~~

- (d) ~~any #signs# affixed to the building walls may not exceed two feet square in size;~~
- (e) ~~any freestanding #signs# shall not exceed two feet in horizontal dimension and, if associated with a #building# used for office uses, may contain the names of principal building tenants in addition to the content permitted, as described in this Section, and shall also contain the public space symbol as described in Section 37-751 and the words "Open to Public" in lettering at least two inches in height; and~~
- (f) ~~any #sign# located on permitted canopies or awnings within the #public plaza# shall contain only the building or establishment name and must not exceed a height of one foot.~~

A #public plaza# shall be treated as a #street# for the purposes of the applicable #sign# regulations. #Signs#, except for the plaque required by Section 37-751, are permitted only as #accessory# to #uses# permitted within the #public plaza# and #uses# adjoining the #public plaza#, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS), except as provided below:

- (a) each establishment fronting on the #public plaza# shall be permitted to have not more than one #sign# affixed to the building wall fronting on the #public plaza#;
- (b) all #signs# shall be non-#illuminated#;
- (c) all #signs# shall contain only the building or establishment name and address;
- (d) all #signs accessory# to retail #uses# affixed to building walls may not exceed four square feet in size;
- (e) all #accessory signs# located within the #public plaza#, including structures to which the signs are affixed, shall not be higher than three feet above the level of the adjoining public access area. Such #signs# shall not exceed an area of two square feet. In addition, no portion of such sign facing the #street# shall exceed a width of 16 inches, except for corner #public plazas#, this limitation shall apply on only one #street# frontage. If such #sign# is associated with a #building# used for office uses, such #sign# shall contain only the names of principal building tenants and shall also contain the public space symbol as described in Section 37-751 and the words "Open to Public" in lettering at least two inches in height; and
- (f) all #signs# located on permitted canopies or awnings within the #public plaza# shall contain only the building or establishment name and shall not exceed a height of one foot.

**37-76
Mandatory Allocation of Frontages for Permitted Uses**

At least 50 percent of the total frontage of all new building walls ~~of the #development#~~ fronting on ~~an~~ #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by building lobbies and frontage used for subway access, shall be allocated for occupancy at the ground floor level by retail or service establishments permitted by the applicable district regulations but not including uses in Use Groups 6B, 6E, 7C, 8C, 9B, 10B, 11 and 12D, or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall:

- (1) be directly accessible from the major portion of the #public plaza#, an adjoining #arcade#, or a #street# frontage shared by the ~~retail~~ establishment and the #public plaza#;
- (2) ~~Such retail spaces shall~~ have a minimum depth of 15 feet, measured perpendicular to the wall adjoining the #public plaza#; and
- (3) occupy such frontage for the life of the increased #floor area# of the bonused #development#.

The remaining frontage may be occupied by other #uses#, lobby entrances or vertical circulation elements, in accordance with the district regulations.

~~Principal entrances to #buildings#~~ A public entrance to the principal use of the #building# associated with the #public plaza# shall be located within 10 feet of the major portion of the #public plaza#. Frontage on the #public plaza# that is occupied by a building entrance or lobby shall not exceed 60 feet or 40 percent of the total aggregate frontage of the ~~#development's#~~ new building walls on the major and minor portions of the #public plaza#, whichever is less, but in no case shall building entrances or lobbies occupy less than 20 feet of frontage on the #public plaza#.

~~The building frontage~~ All new building walls fronting on the major and minor portions of the #public plaza# shall be treated with clear, untinted transparent material for 50 percent of its surface area below 14 feet above the #public plaza# level, or the ceiling level of the ground floor of the #building#, whichever is lower. Any non-transparent area fronting on the major or minor portion of a #public plaza# shall be treated with a decorative element or material or shall be planted to a minimum height of 15 feet above the #public plaza#.

37-77

Maintenance

- (a) The building owner shall be responsible for the maintenance of the #public plaza# including, but not limited to, the location of permitted obstructions pursuant to Section 37-726, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot# ~~and in the #street# sidewalk area adjacent to the #zoning lot#.~~

- (b) ~~Kiosks and open air cafes #developed# in accordance with the provisions of Section 37-73 shall be located within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air cafe outside an area so designated shall be permitted.~~

(e) ~~Performance bond~~

~~Prior to obtaining any certificate of occupancy from the Department of Buildings, the building owner shall post with the Comptroller of the City of New York, a performance bond, City securities or fixed income securities, at the Comptroller's discretion, to ensure the mandatory tree planting, moveable seating exclusive of any seating for open air cafes, and the litter free maintenance of the #public plaza# including the replacement of such trees and moveable furniture during the life of the #development#.~~

~~In the event of a failure in the required performance, the Chairperson of the City Planning Commission shall notify the building owner in writing of such failure and shall stipulate the period of time in which the building owner has to correct the failure. If the failure is not corrected in the stipulated time, the Chairperson may declare the building owner in default in the required performance and the City may enforce the obligation by whatever means may be appropriate to the situation, including letting contracts for doing any required planting, installation or maintenance and paying all labor, material and other costs connected with such work from the bond or City securities that the building owner is required to provide.~~

~~In the event that the City enforces the aforementioned obligation as provided for in this paragraph, (e), the building owner shall, within 90 days of such enforcement, provide the City with an additional bond or City securities in an amount not less than that which was expended to cure the default.~~

~~The value of the bond or City securities if tendered prior to January 1, 1998, shall be at a rate of \$750 per required tree, \$100 per moveable chair and \$200 per 1,000 square feet of #urban plaza# for litter removal, as set forth in this Section.~~

~~Effective January 1, 1989, and at five year intervals thereafter, the City Planning Commission shall establish new rates for the mandatory tree planting, moveable seating and litter free maintenance of the #public plaza#.~~

37-78

Compliance

(a) Building permits

No foundation permit shall be issued by the Department of Buildings for any #development# or #enlargement# that includes a #public plaza#, nor shall any permit be issued by the Department of Buildings for any change to a #plaza#.

#residential plaza# or #urban plaza# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of Section 37-70 or Section 37-625, as applicable.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of the proposed #public plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#; computations of proposed #floor area#, including bonus #floor area#; and a detailed plan or plans prepared by a registered landscape architect, including but not limited to a furnishing plan, a planting plan, a signage plan, a lighting/photometric plan and sections and elevations, as necessary to demonstrate compliance with the provisions of Section 37-70 or Section 37-625, as applicable.

All plans for #public plazas# or other #publicly accessible open areas# that are the subject of a certification pursuant to Section 37-625 shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the #public plaza#, pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. No temporary or final certificate of occupancy shall be issued for any bonus #floor area# generated by a #public plaza# unless and until the #public plaza# has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning and certified to the Department of Buildings.

Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), any #residential plaza# or #urban plaza# for which a certification was granted pursuant to Article II, Chapter 3, or Article III, Chapter 7, between June 4, 2005 and June 4, 2007, and any #urban plaza# for which a certification was granted prior to (effective date of amendment) may be #developed# in accordance with the regulations in effect on the date of such certification.

(b) Periodic compliance reporting

No later than June 30 of the year, beginning in the third calendar year following the calendar year in which certification was made and at three year intervals thereafter, the Director of the Department of City Planning and the affected Community Board shall be provided with a report regarding compliance of the ~~#public plaza#~~ #publicly accessible open area# with the regulations of Section 37-70 or Section 37-625, as applicable, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed. Such report shall be provided by a registered architect, landscape architect or professional

engineer, in a format acceptable to the Director and shall include, without limitation:

- (1) a copy of the original ~~#public plaza#~~ or design change certification letter, and if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;
- (2) a statement that the ~~#public plaza#~~ #publicly accessible open area# has been inspected by such registered architect, landscape architect or professional engineer and that ~~the #public plaza#~~ such open area is in full compliance with the regulations under which ~~the #public plaza#~~ it was approved as well as the approved plans pertaining to such ~~#public plaza#~~ open area and, if applicable, the requirements of any other authorization or certification pursuant to this Chapter, or non-compliance with such regulations and plans;
- (3) an inventory list of amenities required under the regulations under which the ~~#public plaza#~~ #publicly accessible open area# was approved and the approved plans pertaining to such ~~#public plaza#~~ open area and, if applicable, the requirements of any other authorization or certification pursuant to Section 37-70, together with an identification of any amenity on such inventory list for which inspection did not show compliance, including whether such amenities are in working order, and a description of the non-compliance;
- (4) photographs documenting the condition of the ~~#public plaza#~~ #publicly accessible open area# at the time of inspection, sufficient to indicate the presence or absence, either full or partial, of the amenities on the inventory list of amenities.

The report submitted to the Director of the Department of City Planning shall be accompanied by documentation demonstrating that such report has also been provided to the affected Community Board.

Compliance reporting pursuant to this paragraph, (b), shall be a condition of all certifications granted pursuant to Section 37-70.

(c) Compliance reports at time of application

~~In a~~Any application for a ~~new~~ certification or authorization ~~for~~ involving an existing #public plaza#, #publicly accessible open area# ~~where such #public plaza# was the subject of a previously granted certification or authorization granted pursuant to Section 37-70, the applicant shall provide~~ include a compliance report in the format required under paragraph (b) of this Section, based upon an inspection of the ~~#public plaza#~~ #publicly accessible open area# by a registered architect, landscape architect or professional engineer conducted no more than 45 days prior to the filing of such application.

The following conditions may constitute grounds to disapprove the application for certification or authorization:

- (1) such report shows non-compliance with the regulations under which the ~~#public plaza#~~ #publicly accessible open area# was approved, conditions or restrictions of a previously granted certification or authorization, or with the approved plans pertaining to such ~~#public plaza#~~ #publicly accessible open area#; or
- (2) the ~~#public plaza#~~ #publicly accessible open area# has been the subject of one or more enforcement proceedings for which there have been final adjudications of a violation with respect to any of the foregoing.

In the case of a certification, the Chairperson, or in the case of an authorization, the Commission, may, in lieu of disapproval, accept a compliance plan for the ~~#public plaza#~~ #publicly accessible open area#, which plan shall set forth the means by which future compliance will be ensured.

(d) Failure to comply

Failure to comply with a condition or restriction in an authorization or certification granted pursuant to Section 37-70 or with approved plans related thereto, or failure to submit a required compliance report shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation or such authorization or certification, and for all other applicable remedies.

* * *

(On April 1, 2009, Cal. No. 5, the Commission scheduled April 22, 2009 for a public hearing which has been duly advertised.)

Close the hearing.

IV. CITY PLANNING COMMISSION 2009 SCHEDULE OF MEETINGS
January 1 to June 30

	SUN	MON	TUE	WED	THU	FRI	SAT
JANUARY					NEW YEAR'S DAY 1	2	3
	4	REVIEW SESSION 5		6	CPC PUBLIC MEETING 7	8	10
	11		12	13	14	15	16
	18	MARTIN LUTHER KING, JR. DAY 19	REVIEW SESSION 20		CPC PUBLIC MEETING 21	22	23
	25	CHINESE NEW YEAR 26		27	28	29	30
FEBRUARY	1	REVIEW SESSION 2		3	CPC PUBLIC MEETING 4	5	6
	8		9	10	11	LINCOLN'S BIRTHDAY 12	13
	15	PRESIDENTS' DAY 16	REVIEW SESSION 17		CPC PUBLIC MEETING 18	19	20
	22	WASHINGTON'S BIRTHDAY 23		24	ASH WEDNESDAY 25	26	27
MARCH	1	REVIEW SESSION 2		3	CPC PUBLIC MEETING 4	5	6
	8		9	10	11	12	13
	15	REVIEW SESSION 16		17	CPC PUBLIC MEETING 18	19	20
	22		23	ST. PATRICK'S DAY 24	25	26	27
	29	REVIEW SESSION 30		31			
APRIL				CPC PUBLIC MEETING 1	2	3	4
	5	6	7	8	9	10	11
	PALM SUNDAY 12	13	14	15	PASSOVER 16	GOOD FRIDAY 17	18
	EASTER 19	REVIEW SESSION 20		21	CPC PUBLIC MEETING 22	23	24
	26	27	28	29	30		
MAY	3	REVIEW SESSION 4		5	CPC PUBLIC MEETING 6	7	8
	10		11	12	13	14	15
	17	REVIEW SESSION 18		19	CPC PUBLIC MEETING 20	21	22
	24	25	26	27	28	29	30
31	MEMORIAL DAY						
JUNE		REVIEW SESSION 1		2	CPC PUBLIC MEETING 3	4	5
	7	8	9	10	11	12	13
	14	REVIEW SESSION 15		16	CPC PUBLIC MEETING 17	18	19
	21	22	23	24	25	26	27
	28	REVIEW SESSION 29		30			

Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 P.M.
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 A.M.

V. CITY PLANNING COMMISSION 2009 SCHEDULE OF MEETINGS
July 1 to December 31

	SUN	MON	TUE	WED	THU	FRI	SAT
JULY				CPC PUBLIC MEETING 1	2	3 INDEPENDENCE DAY OBSERVED	4 INDEPENDENCE DAY
	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19 REVIEW SESSION	20	21	CPC PUBLIC MEETING 22	23	24	25
	26	27	28	29	30	31	
AUGUST	2	3 REVIEW SESSION	4	CPC PUBLIC MEETING 5	6	7	8
	9	10	11	12	13	14	15
	16	17 REVIEW SESSION	18	CPC PUBLIC MEETING 19	20	21	22
	23	24	25	26	27	28	29 RAMADAN BEGINS
	30	31					
SEPTEMBER			1	2	3	4	5
	6	7 LABOR DAY	8 REVIEW SESSION	CPC PUBLIC MEETING 9	10	11	12
	13	14	15	16	17	18	19
	20	21 REVIEW SESSION	22	CPC PUBLIC MEETING 23	24	25	26 ROSH HASHANAH
	27	28 YOM KIPPUR	29	30			
OCTOBER					1	2	3
	4	5 REVIEW SESSION	6	CPC PUBLIC MEETING 7	8	9	10
	11	12 COLUMBUS DAY	13	14	15	16	17
	18	19 REVIEW SESSION	20	CPC PUBLIC MEETING 21	22	23	24
	25	26	27	28	29	30	31
NOVEMBER	1	2 REVIEW SESSION	3 ELECTION DAY	CPC PUBLIC MEETING 4	5	6	7
	8	9	10	11	12	13	14
	15	16 REVIEW SESSION	17	CPC PUBLIC MEETING 18	19	20	21
	22	23	24	25	26	27	28
	29	30 REVIEW SESSION			THANKSGIVING		
DECEMBER			1	CPC PUBLIC MEETING 2	3	4	5
	6	7	8	9	10	11	12
	13	14 REVIEW SESSION	15	CPC PUBLIC MEETING 16	17	18	19 HANUKKAH
	20	21	22	23	24	25	26
	27	28	29	30	31	CHRISTMAS	KWANZAA BEGINS

Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 P.M.
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 A.M.

**SUPPLEMENTAL
CITY PLANNING CALENDAR
of
The City of New York**

CITY PLANNING COMMISSION

WEDNESDAY, APRIL 22, 2009

**MEETING AT 10:00 A.M. AT SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK**



**Michael R. Bloomberg, Mayor
City of New York**

Prepared by Yvette V. Gruel, Calendar Officer

To view the Planning Commission Calendar and/or the Zoning Resolution on the
World Wide Web, visit the Department of City Planning (DCP) home page at:
nyc.gov/planning

A
CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

NOTE - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: in Section I, (Scheduling Dates for Future Public Hearings), in Section II, (Reports), and in Section III, (Public Hearings). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

NOTICE--CALENDARS: City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site (www.nyc.gov/planning). The availability of these documents on-line will occur earlier than the current printed documents.

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below. Any individual or organization that would like to receive paper copies of the aforementioned documents will be able to do so at a fee of \$120.00 annually. Please have the certified check made out to the **City of New York -- Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216.

For Calendar Information: call (212) 720-3368, 3369, 3370.

Note to Subscribers: Notify us of change of address including E-mail by writing to:

City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216

B
CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

- AMANDA M. BURDEN, FAICP, Chair**
- KENNETH J. KNUCKLES, Esq., Vice Chairman**
- ANGELA M. BATTAGLIA**
- IRWIN G. CANTOR, P.E.**
- ANGELA R. CAVALUZZI, AIA.**
- ALFRED C. CERULLO, III**
- BETTY Y. CHEN**
- MARIA M. DEL TORO**
- RICHARD W. EADDY**
- NATHAN LEVENTHAL**
- SHIRLEY A. MCRAE**
- JOHN MEROLO**
- KAREN A. PHILLIPS, Commissioners**
- YVETTE V. GRUEL, Calendar Officer**

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

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WEDNESDAY, APRIL 22, 2009

I. Report.....	1
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I. REPORT

BOROUGH OF BROOKLYN

No. 1

HUDSON ELDERT HOUSING

CD 5

M 090312 ZMK

IN THE MATTER of an application submitted by Hudson Eldert LLC and Skyview Realty Association, Ltd for modification of a Restrictive Declaration, which was approved as part of a Zoning Map Amendment (CP 21749), to eliminate the restriction that the property be limited to hospital and hospital related uses, including nursing home facilities and the restriction that the parking be subject to the requirements applicable in an R4 District, on property located at 783 Eldert Lane (Block 4469, Lots 1, 6, 10, 16 and 54), in an R6 District.

For consideration:
